

Chapter 3

Land Use

INTRODUCTION

The Land Use Chapter of the General Plan presents the diagrams, definitions, and policies that will guide land use decisions in the City. While there are goals unique to the Land Use Chapter, this chapter primarily translates the goals and objectives found in other chapters of this General Plan into land use designations.

Fremont is a large City with unique issues and planning concerns associated with its various sub-areas. In order to address these issues and present information more clearly, the City is divided into nine Planning Areas (See Figure 3.1):

- Baylands
- Centerville
- Central Area
- Industrial
- Irvington
- Mission San Jose
- Niles
- Northern Plain
- Warm Springs

The eastern hills of Fremont have traditionally been part of three Planning Areas: Niles, Mission San Jose and Warm Springs (see Figure 3.1). This plan continues to show parts of the hills in each of these three planning areas. However, due to the many issues involving the hills and the City's eastern boundary, this General Plan establishes a new planning area called the Hill Planning Area. The Hill Planning Area includes land currently outside of the City's eastern boundary which the City considers important to its future.

The following section describes existing land use conditions and projections. It is divided into two major sections:

- Citywide
- Planning Areas, including the Hill Planning Area. In addition to existing conditions and projections, this section also describes the intent of the General Plan for each Planning Area. This description of intent supplements the goals, objectives and policy section.

Land use goals, objectives and policies are presented in the final section of this Chapter. Land uses for each Planning Area are shown on Planning Area Land use diagrams. The summary diagram illustrates relationships between areas of the City and provides a broad overview of land uses. However, to determine the land use designation of any particular parcel of land, full size Planning Area Land Use Diagrams should be used (available at the Community Development Department).

CITYWIDE LAND USE

Setting

The City of Fremont is planned to be a balanced City with a mixture of industry, commerce, a variety of housing types, parks and open space. Since its incorporation, Fremont has grown from five somewhat self-contained smaller communities with about 22,500 people, to a City of 172,071 people (1990 preliminary Census).

The original five towns that composed Fremont are still evident in the organization of the City. Each of the five communities, now often referred to as “districts,” still contains a central commercial area, four of which have significant historic elements: Niles, Irvington, Centerville and Mission San Jose. The historic commercial center in Warm Springs has been replaced by a newer commercial area.

During the thirty-five years since incorporation, a Central Business District (CBD) has developed in the geographical center of the City, and predominantly single family homes have filled-in much of the vacant land between the historic districts. Apartments and condominiums have developed near the CBD and in other areas of the City, and a new mixed residential community of homes, apartments and condominiums (usually referred to as “Ardenwood New Town”) has developed in the north-western part of Fremont, west of I-880.

Industrial development has occurred in the south western area of the City on land set aside for industrial use when the City first incorporated. Industrial and business park development has also occurred on the northwestern side of the City in an area more recently designated for industrial use west of I-880 and north of SR-84.

In addition to these developed areas of Fremont, the City has maintained an “open space frame.” This frame sets the City apart from its neighbors, provides visual and physical access to the natural environment and adds to the special character of the City. The frame has been largely implemented through public action. In the east, the City is framed by its open eastern hills. Development in the Hill Area is controlled by initiatives passed in 2002 and 1981, and the area is defined by those initiatives. The other major element of the City’s open space frame is the Baylands on the west. Much of the Baylands area is incorporated in the San Francisco Bay National Wildlife Refuge. There is no timber production in Fremont.

These elements of the City -- its residential and commercial areas and open space frame are graphically shown in Figure 3-2, and the amount of each use is summarized in Table 3-1. In most respects, the City planned twenty years ago exists today.

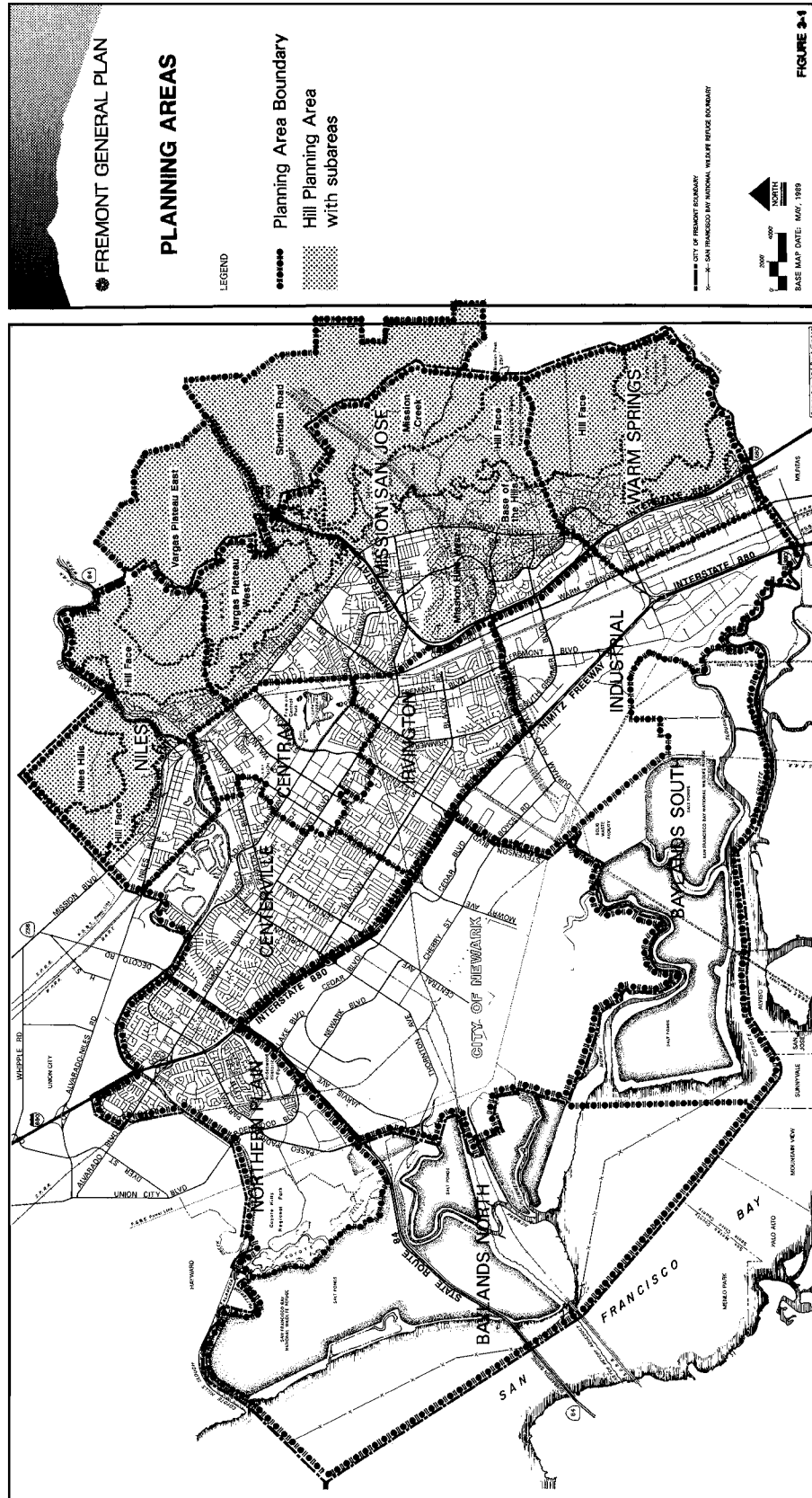
Table 3-1 Land Uses			
	Developed, 1989	Total Acres ***	Vacant Acres
Retail/Commercial	10.2 Million SF	1300	400
Industrial	25.0 Million SF	6200	2700
Residential		14000	
Single Family	42100 Units		410
Multi-Family*	18300 Units		390
Open Space		26000	
Public/Institution**	19000 Acres		
Private (Hill Area)	7150 Acres		
* Condominiums, apartments, attached single family homes, mobile homes			
** About half the public acres are in the National Wildlife Refuge			
*** Total Available Acres (1989 General Plan); planimetered from Summary Map			

Fremont's commercial and industrial sectors employ an estimated 55,870 people (1990). While Fremont has had healthy employment growth, the growth in housing has been more rapid: there are an estimated 1.74 workers living in Fremont for every job. Fremont's housing has provided workers to support the tremendous employment growth that has occurred between Silicon Valley and San Francisco. Two-thirds of Fremont residents commute from Fremont, adding to the congestion on the region's roadways despite Fremont's large supply of vacant land available for new commercial and industrial growth.

Projections

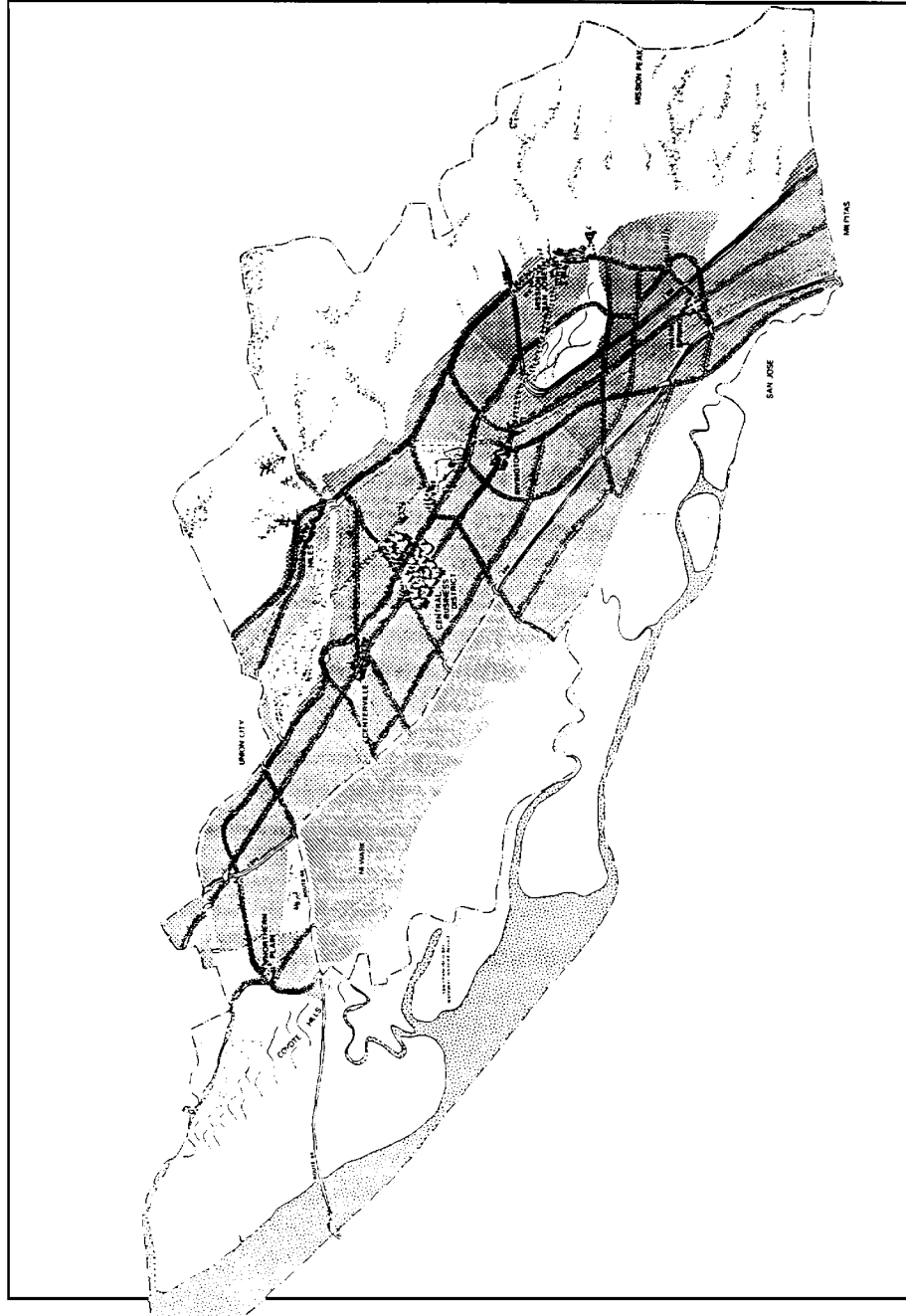
The Association of Bay Area Governments' (ABAG) projections for the City are shown in Table 3-2 through the year 2005. Over the next 15 years, the City is projected to realize its original plan for a large employment base to complement its already existing residential base. The projected 30,530 new jobs by 2005 will reduce the City's current imbalance from 1.74 to 1.25 employed residents per job.

As the City's supply of vacant land for residential use dwindles, ABAG forecasts that the rate of residential development will slow: from the 1800 units per year growth experienced in the last 20 years, to 1000 units per year between 1990 and 2000, to only 400 units per year between 2000 and 2005.



URBAN STRUCTURE DIAGRAM

FIGURE 3-2



ABAG's projections are prepared based on ABAG's review of regional growth patterns and cities' land use plans at the time the projections were made. Cities may have more or less growth than ABAG projections. This General Plan will, in some instances, accommodate more growth than expected by ABAG; in other instances it accommodates less growth.

Table 3-3 presents the City's projections in regards to developed land uses for 2010 based on the current General Plan. The City's projections are extrapolated from ABAG's projections. However, to be conservative in infrastructure planning, the City's projections assume somewhat higher levels of employment growth than might be expected from ABAG figures (see Land Use Background Report for a discussion of the assumptions used in preparing this table). The City's residential development projections are generally consistent with ABAG's.

Table 3-2				
Growth Forecasts; 1990- 2005 (ABAG, Projections '90)				
	1990	2005	Change	% Change
Population	175,200	203,600	28,400	16
Households*	61,190	73,410	12,220	20
Jobs	55,870	95,400	39,530	71
Employed Residents	97,300	119,700	22,400	23
Employed Residents/Job**	1.74	1.25	0.57	0
* Households are approximately the same as housing units: 2.74 persons per household are estimated in 2005.				
** ABAG estimates 1.59 workers per household in 1990 and 1.63 workers per household in 2005.				

Table 3-3				
Land Uses, 1989 and 2010				
Commercial/Industrial				
	Developed 1989	Developed 2010**	Jobs 2010	Jobs 2030
Retail/Commercial	10.2 Mil SF	15 Mil SF	35,400	36,000
Industrial	25.0 Mil SF	50 Mil SF	74,700	108,000
Other Employment*			10,000	NA
Total Employment	to be added		120,100	144,000
Residential				
	Developed Units 1989	Developed Units 2010	Pop. 2010	Pop. 2030
Single Family Res.	42,100	45,400	124,400	NA
Multi-Family Res.	18,300	26,700	73,200	NA
Total	60,400	72,100	197,600	260,000
* Other Employment = government, schools, construction, etc.				
** Projections to not assume any changes to study areas.				
*** Due to the number of variables, the year 2030 population and jobs should not be construed as growth projections, but general trends. See Land Use Background Report for discussion on long term growth.				
Source: City of Fremont Community Development Department				

BAYLANDS PLANNING AREA

Setting

The Baylands Planning Area includes lands which are under the Bay, salt ponds, wetlands, seasonal wetlands, and other uses associated with the Bay and wildlife habitat. The City's Solid Waste Landfill is also located in this Planning Area. The San Francisco Bay National Wildlife Refuge occupies the vast majority of this Planning Area. With the exception of the salt ponds and landfill, virtually all of this Planning Area is protected for habitat and other resource conservation uses.

Projections

No significant change in the uses in the Planning Area is expected. A solid waste facility may be located on or near the existing land fill site. The capacity of the land fill itself may be exhausted in the next 20 years (see the Public Facilities Chapter for further discussion).

Land Use Plan

The entire planning area, with the exception of the possible waste facility, is planned for open space and agricultural uses. Salt production is considered an agricultural use.

CENTERVILLE PLANNING AREA

Setting

Centerville is one of Fremont's five original historic districts. The heart of Centerville is at the intersection of Peralta and Fremont Boulevards where two historic East Bay highways met near an important railroad line. In the last twenty years the vitality of Centerville's original commercial core has been challenged by several converging factors: an aging building stock, competition from newer development along Fremont Boulevard and along Thornton Avenue (which replaced Peralta Boulevard as the main east/west arterial road in the area), and changes in the shopping and lifestyle needs of residents.

For the last several years, much of Centerville's commercial character has been shaped by Fremont's auto sales industry which has developed in Centerville. Auto sales and other auto services have been a large part of Centerville's commercial identity.

Surrounding the commercial areas of Centerville are several residential neighborhoods. While the majority of the land is devoted to single family detached homes, a proportion of the homes in Centerville are apartments and condominiums, many of which have been built in the last ten years along major boulevards such as Paseo Padre Parkway.

Similar to many of the historic districts in Fremont, Centerville has some remnant industrial uses and some newer industrial uses which are largely connected to the auto industry (repair, glass work, machine shops, etc.).

The Centerville Planning Area includes a portion of the Alameda Creek Regional Trail, and the Alameda Creek Quarries, currently used as recharge facilities for the City's aquifer (see Water Resources section of the Natural Resources Chapter for further description).

Projections

Significant change is expected in the character of Centerville's commercial area as a result of the planned relocation of most of the auto dealerships to an auto-mall west of I-880. The move will not only lead to the vacating of 31 acres of current dealerships, but may also affect the auto services and other businesses (such as restaurants) partially dependent on the car dealerships and their employees. The loss of the auto dealers may also have a significant impact on some of the older, marginal retail areas in Centerville.

In response to the planned auto dealership move, the City of Fremont began the preparation of a specific plan for the Centerville commercial area. The plan is not yet completed but upon its adoption will become an integral part of this General Plan.

Another change expected over the next ten years is the gradual phasing out of isolated industrial uses. While some of the automobile oriented industrial uses may remain, non-auto oriented industrial uses will probably be phased out and replaced by residential or commercial uses, depending on location.

Little change is expected in the character of Centerville's existing residential neighborhoods. The issue likely to arise most frequently in existing residential neighborhoods will be conflicts between homeowners who wish to rebuild or remodel their homes, and other residents who believe the development plans to be out of character with their neighborhood.

While existing neighborhoods will remain largely as they are today, new housing and commercial uses are likely to be constructed on sites vacated by auto dealers and other commercial and industrial users. Ensuring new housing and other new uses are consistent with the scale and character of Centerville will be an important concern for the future.

A major change will occur in Centerville if a new State Route 84 is constructed in the historic alignment near Decoto Road, either as a parkway or freeway. Any type of road would have impacts on the adjacent land and on the transportation patterns in Centerville. The City has requested various alternatives be considered for State Route 84 (see Transportation Chapter for further discussion) including relocating the State route to another alignment outside of Fremont.

Finally, on the edge between Centerville and Niles is the proposed Alameda Quarries Regional Recreational Area, scheduled for development in the future. This area will add a significant new recreation resource within walking distance of many Centerville residents.

Land Use Plan

The Land Use Plan includes no significant changes in existing residential areas. However, change is permitted adjacent to existing neighborhoods, based on a Centerville Specific Plan, currently being prepared (1990). Until the Centerville

Specific Plan is adopted, all new buildings or changes in use proposed within the Centerville Study Area will be subject to discretionary review to ensure the use does not conflict with or preclude the implementation of the preliminary planning effort.

In regard to other areas in Centerville, the plan identifies some isolated industrial areas as shown on the Planning Area Land Use Diagram for evaluation for conversion to an alternative use. Other industrial areas are retained for light-industrial uses.

The Land Use plan also reflects the City's strong support for the development of the proposed Alameda Creek Quarries Regional Recreation Area.

CENTRAL PLANNING AREA

Setting

The Central Planning Area of Fremont includes three distinct sub-areas, as follows:

- **Central Business District (CBD).** Fremont's CBD is generally the area between BART on the east, Mowry on the north, Fremont Boulevard on the west (extending to Argonaut Way at the Hub,) and Stevenson Boulevard to the south. The CBD is described in more detail in the Local Economy Chapter. In summary, the CBD holds some 2.2 million square feet of office space including a growing medical complex. It also holds some 1.4 million square feet of retail space, as much as a major regional shopping center.
- **Central Area Residential.** Residential uses surround the Central Business District on all sides. East of the BART tracks is an area of single family neighborhoods and high density residential areas. The City has focused its highest density residential land use designations around the CBD and near BART to take maximum advantage of proximity to transit and add to the vitality of the CBD. While some of the land designated for higher density housing is vacant, a significant amount of high density housing has been developed in this area. On the north and south of the CBD are other predominantly single family residential areas. The single family residential area west of the CBD is in the Irvington Planning Area.
- **Industrial Area.** An area between the railroad tracks near Alameda Creek includes several types of industrial use.

Central Park, Fremont's largest City-wide park and the Civic Center area which includes the City Government Building and main library are both in the Central Planning Area.

Projections

Central Business District. It is the intent of this Plan for Fremont to have a vibrant, well defined, visually distinctive Central Business District as the focus of the City's governmental, cultural and commercial activity. The Central Business District should unite all parts of the city. The CBD is projected to add some three million square feet of office and medical space and about a half million square feet of retail space over the next 20 years. If areas are converted to mixed use (see "Land Use Plan below) some residential development may also occur in or adjacent to the CBD.

Central Area Residential. Change is not expected in the existing single family residential areas. In regards to the higher density areas, the vacant land proposed for housing is expected to be developed by the turn of the century. Until recently, higher densities were not considered economically marketable in Fremont but this is slowly changing as densities of projects in the vicinity of the BART station have increased.

Industrial Area. New major industrial development in the industrial area near Alameda Creek is not expected due to the restricted access and its proximity to single family residential areas. Any industrial uses in this area which use toxic materials would increase the potential of an accidental spill which could pollute the City's adjacent groundwater recharge facilities.

Also proposed for the Central Area are additional facilities in the Civic Center area and Central Park, including various recreation facilities and public buildings.

Land Use Plan

CBD. The CBD is intended to be a high intensity, pedestrian oriented office, medical, civic, entertainment and business nucleus. The Plan seeks to focus the highest intensity of use near the BART station. It also seeks to maintain a healthy retail center for offices and for nearby residents. To more actively promote these goals, the General Plan calls for a detailed design and development plan for the CBD. Such a plan would focus the highest intensity of use in a "core area." It is anticipated that some areas currently within the CBD around the core may be converted to high intensity residential or mixed use (commercial/residential) areas.

In the interim, until a more detailed plan is prepared, this Plan allows for a wide variety of uses and adopts policies to guide review of proposed projects within the CBD.

Central Area Residential. The land use plan for the Central Area east of the CBD reaffirms past plans which call for the highest density residential areas in Fremont east of the BART station and adjacent to the CBD. This plan also continues to discourage lower density development in areas proposed for high density.

Industrial Area. The small industrial area is retained, but most is identified as a “light industrial” due to its proximity to residential areas and the City’s water supply.

Central Park. A master plan for Central Park is recommended to establish a long term conservation and development context for decisions regarding the Park.

IRVINGTON PLANNING AREA

Setting

Similar to Centerville, the historic district of Irvington developed at the crossroads of two major East Bay roads and the railroad. The “five corners” area at Fremont Boulevard, Washington Boulevard and Bay Street is the traditional center of Irvington. Irvington still retains many buildings dating from before the turn of the century. The Irvington commercial center spreads east on Washington Boulevard toward the railroad, extends in both directions on Fremont Boulevard from Washington Boulevard, and west on Grimmer Boulevard from Fremont Boulevard. The Irvington Planning Area also includes a second newer commercial center near the Mowry Avenue interchange with I-880, referred to in this Plan as the Mowry/Blacow Community Commercial Center.

The area surrounding Irvington’s historic commercial core is primarily single family residential development. These include historic residential areas and pre-incorporation subdivisions dating from the 1950’s, as well as newer development occurring since incorporation. There are also apartments and condominiums along major roads and around the commercial center. The Mowry/Blacow Commercial Center serves the newer neighborhoods developed since 1960 between I-880 and the CBD.

Irvington has some isolated older industrial areas along the railroads. Most of the industrial uses are smaller businesses, with several auto related businesses. The industrial area is isolated from other industrial areas and generally underutilized.

Projections

A significant change expected in Irvington in the next ten years is the development of a BART station at Washington Boulevard and Osgood Road. The history of existing BART stations shows land use changes around BART stations happen slowly over a long period of time. After the BART station is built, a gradual change in the area is likely to occur as newer commercial and higher density residential uses are developed in the vicinity of BART.

A large portion of the commercial center of Irvington is also a redevelopment area, and some street improvements have been undertaken and a design plan is underway (1990). The roadway improvement project may assist in revitalizing portions of the Irvington commercial area. However, significant efforts towards revitalization will be necessary to avoid decline of some of the older shopping areas.

The Mowry/Blacow Community Commercial Center has added uses and expanded over the years. However, competition from the regional shopping mall in Newark and lack of a focus or special character for this area may limit its future growth potential.

Little change is expected in existing residential areas. As with all older residential neighborhoods, some conflicts may arise as owners “upgrade” their residences in a manner considered unsuitable by other property owners. New higher density housing can be expected around the existing commercial core and along arterials.

Land Use Plan

The land use plan for Irvington calls for maintaining the boundaries of the Irvington Community Commercial Center in order to limit the spread of commercial uses and encourage revitalization of existing areas within the center. Design guidelines are being prepared for some of the Irvington commercial area which should be considered and adopted when completed. Additional refinement of the land use plan for Irvington is still needed to foster economic vitality and a focused, pedestrian oriented commercial center.

The land use plan for areas near the proposed Irvington BART station should also be reviewed for compatibility with the station at such time as funding for the station is committed by BART. The City should take an active role in reviewing BART station design plans to ensure compatibility with the character of the community.

MISSION SAN JOSE PLANNING AREA

Setting

The historic district of Mission San Jose includes the oldest continuously settled area in Fremont, dating back to the founding of the Mission in 1797. Many historic buildings still remain in the commercial center, located within a two block radius of the rebuilt Mission. Just south of the Mission is Ohlone College, a two-year California Community College facility.

Surrounding the commercial center is a mix of older and newer homes at various densities, with the majority being single family homes. Moving further away from the commercial area towards I-680, there is a rugged area of foothills, most of which are now developed with single family homes and condominiums. North of I-680 are neighborhoods of single family homes, some apartments and condominium projects. In the hills above Mission Boulevard are subdivisions including single family homes and, further into the hills, large custom homes. There is only one small industrial site in the Planning Area.

Projections

The Mission San Jose Planning Area has a smaller commercial center with a smaller range of available goods and services than most other Community Commercial Centers in the City. There has been relatively little new development in the commercial center. However, the innate attractiveness of the location combined with the access to Ohlone College and to I-680 may make Mission San Jose commercial area a very attractive development location in the next ten years. Design and development guidelines will need to be in place if the City wishes to preserve the scale and character of the commercial area while allowing for new vitality and development.

In addition to new commercial development, this Planning Area has the vast majority of what remains of the land in Fremont planned for single family housing. Much of the vacant land faces significant development constraints due to hillside locations. Despite constraints, it is expected that this area will be virtually built out in the next five years.

A major golf course is planned on publicly owned land at the east end of Stanford Avenue.

Land Use Plan

The land use plan for Mission San Jose makes no significant changes in the flatland area. Similar to other historic Community Commercial Centers (CCC), a more detailed design and development plan is proposed for the Mission San Jose CCC. In the interim, it will be important for the City to continue to review development proposals for their consistency with the area's historic character.

NILES PLANNING AREA

Setting

The historic district of Niles has a rich history, beginning as an agricultural and horticultural center for the Bay Area as well as a railroad hub where one leg of the intercontinental railroad was completed with a gold stake in 1869. It had a brief stint as a movie-making center and home to Charlie Chaplin. Today this history can still be found in the historic store-fronts on Niles Boulevard, many of which are devoted to antique sales.

The residential areas in Niles range from the historic homes adjacent to the commercial center, to the newer neighborhoods at the base of the hills along Mission Boulevard.

The Niles area is somewhat isolated from the rest of Fremont, with Alameda Creek on one side, the quarries on another, and the hills on the third. There are only two ways to get into Niles from the rest of Fremont, either from Mission Boulevard or from Niles Boulevard.

There are several industrial sites in Niles, including an older tile-making plant, a chemical plant and other small industries.

Projections

Historic commercial Niles faces an uncertain future. Significant investment will be required in the next ten years to maintain and upgrade the existing historic buildings. Such investment may be required to bring these buildings into conformance with State requirements for earthquake safety. Some existing businesses in Niles may not be able to afford the increased costs associated with significant rehabilitation. At the same time, as commercial and residential land supplies dwindle elsewhere in the City, some underutilized areas in Niles will be targeted for new development. There is a growing interest in the historical character of Niles and it is likely to increasingly become a destination for tourism and shopping. Its reputation will be further enhanced by expected restoration of some historic resources such as the Vallejo Mill and historic railway, and the completion of a regional trail through Niles Canyon. Effort will be needed in the next ten years to retain the charm and history of Niles while managing the changes that are likely to occur in this area.

Little change is expected in the residential areas, with the exception of some development in previously passed-over parcels. Conversion of older, isolated industrial sites to other uses is also likely to occur. Finally, the widening of Mission Boulevard to six lanes, development of State Route 84 in its historic alignment north of Niles, and projected development in the Union City area may all have significant impacts on the character of Niles and access to it.

Land Use Plan

The Niles Planning Area Land Use Diagram shows little change for central Niles. As with each historic Community Commercial Center, this Plan calls for a more detailed design and development study for Niles to better manage and guide future development. Some mixed use may be appropriate on the edges of Niles or on the commercial site on the east side of Niles Boulevard. Most existing industrial sites have been identified as future residential or commercial areas, recognizing continued industrial uses of these areas will not be appropriate adjacent to the residential uses.

A freeway or major arterial has been proposed between Mission Boulevard and I-880. The construction of State Route 84 would have a significant impact in regards to access to Niles and could affect the types and locations of land uses located near interchanges with the proposed road (e.g., Mission Boulevard). The City has requested various alternative roadway types and alignments be considered for State Route 84.

NORTHERN PLAIN PLANNING AREA

Setting

This area contains several distinct sub-areas created by major physical barriers which separate the various parts of the planning area:

- **Ardenwood New Town.** This area, located west of I-880 and south of Alameda Creek, was developed after 1977. The land had been part of a large single land-holding known as the Patterson Ranch. The Ardenwood area was originally planned as a “New Town” within Fremont: a separate “mini-city” with an integrated mixture of industrial, commercial and residential areas. The residential areas have been built as planned, including a network of park facilities. However, the major commercial center has not yet been developed and the industrial area (discussed below) is still largely vacant. Ardenwood is bordered on the south by the Ardenwood Regional Preserve, a park owned by the City of Fremont and managed by the East Bay Regional Park District as a working historic farm. On the north is the Alameda Creek Channel, on the East is I-880 and on the west is the Ardenwood industrial park.
- **Northgate (Old Alviso School) Neighborhood.** Alviso School (established 1856) was once the focal point of this neighborhood. The school site, adjacent to Northgate Community Park, has since been developed with housing. This area is now a continuation of the single family residential areas and neighborhood-serving shopping areas continuing south into Centerville. On the east this area is separated from the Niles Planning Area by the Alameda Creek flood control channel, and on the west I-880 separates this area from Ardenwood.

- **Ardenwood Industrial Parks.** The industrial area of Ardenwood was planned to provide jobs for the residents of Ardenwood and capitalize on the expected overflow of high-tech industries seeking new space across the Dumbarton Bridge from Silicon Valley. Although in existence for several years, less than 25 percent of the industrial area is currently developed.
- **North Fremont.** North of Alameda Creek, west of I-880 and largely surrounded on the other sides by Union City, is a small residential neighborhood of single family homes.
- **Open Space.** A portion of the original Patterson farm which is still intensively cropped, and a portion of the Coyote Hills Regional Park are also in this Planning Area.

Projections

Ardenwood New Town. The remaining vacant residential land in Ardenwood, will be built-out in the next three to five years. No additional residential development in this area is expected. A future community commercial development is expected to provide a focus and identity for the Ardenwood residential area. Additional park and school development is also expected in the next ten years.

Northgate. Little change in land use is expected in this area.

Ardenwood Industrial Parks. The industrial area is expected to build-out over the next twenty years. The area's location and accessibility continue to make it a prime site for expansion of Silicon Valley firms.

Open Space. Significant change in existing open space uses (including agricultural lands) are not expected in the near term, although a range of possible uses are possible in the long term. Portions of the western edge of the Planning Area have been targeted by the National Wildlife Refuge for purchase. The areas identified for possible acquisition include open space and agricultural uses as well as one parcel planned for industrial use.

The City will consider a General Plan Amendment for the area of the Northern Plain northerly of Paseo Padre Parkway, between Route 84 and the Santa Fe Pacific Railroad tracks designated Open Space to other designations to allow other uses at such time as the area known as Ardenwood Forest New Town is substantially developed, the need and appropriateness of the uses can be demonstrated, and the finding made that the environmental impacts are insignificant (or overriding considerations finding is made) and the finding made the infrastructure is adequate to handle the additional uses.

Land Use Plan

The General Plan continues the direction established by the City's previous planning for the Northern Plain area, as described below.

- **Ardenwood.** A Community Commercial Center site continues to be designated in this General Plan. This commercial area is meant to be pedestrian-oriented and include a mixture of local-serving offices, retail uses and, if appropriate, public uses such as a library or community service center.
- **Industrial Area.** The Plan continues to designate an area for a high-technology industrial and business park. The plan would also permit some tourist-commercial uses in the industrial area adjacent to State Route 84 interchanges.
- **Open Space.** The Plan retains open space uses. However, a study is proposed for the future possible urban development of the area now designated open space. The private open space area presently has an open space easement for agricultural purposes. The study will analyze other open space areas (such as an active sports area) which may displace part of the agricultural use.

WARM SPRINGS PLANNING AREA

Setting

Warm Springs is one of the original five districts of Fremont, but virtually none of the small historic commercial area of Warm Springs remains. The commercial center of Warm Springs is now the shopping center complex and other commercial buildings at the intersection of Mission and Warm Springs Boulevard. Remnants of Warm Springs historic past remain in the "Hidden Valley" area off Stanford Avenue where the original springs still flow.

A significant portion of the Warm Springs residential area is immediately adjacent to a major industrial area across Warm Springs Boulevard, extending south from Mission Boulevard. Some of the residential neighborhoods in this area date back to the 1950's, while newer homes and large custom homes have been built in the hills east of Mission Boulevard and I-680. Some condominium and apartment development has occurred near the commercial center.

Projections

The most significant changes likely to affect the Warm Springs Planning Area may occur immediately adjacent to it. These include the development of a proposed BART station at South Grimmer and Warm Springs Boulevards, and the changes likely to occur in land use near the station. Some of those changes are already under consideration as part of a Warm Springs BART Area Specific Plan study. Another change which may have a significant affect on Warm Springs would be the development of a fourth Fremont BART Station near Kato Road and Warm Springs Boulevard. This last station is only a proposal at this time.

The Warm Springs Community Commercial Center has been healthy, and additions to it can be expected to be proposed over the next few years. Finally, some limited amount of residential development is expected in the hills above I-680.

Land Use Plan

Because both of the proposed BART stations are outside the Warm Springs Planning Area, they are discussed in the Industrial Planning Area section. However, significant residential development near the Warm Springs station could have impacts on the demand for commercial and other neighborhood services. These will be assessed during the specific planning process.

Additional significant changes are not proposed in the Warm Springs Planning Area Land Use diagram from those uses planned in the past.

INDUSTRIAL PLANNING AREA

Setting

The City's Industrial Planning Area is over four thousand acres extending west from Warm Springs Boulevard to I-880 and west to the Bay Lands planning area. In 1990, the area is separated from residential uses which are generally incompatible with the noise, odors, truck traffic and other impacts of industrial uses.

The history of the development of this area is described in the Local Economy Chapter. In summary, industrial development in Fremont has followed the rest of the region's economy. While Fremont was able to attract a major auto manufacturing facility in the 1960's, it did so when the region was turning away from traditional manufacturing facilities. More recently, Fremont's industrial area has attracted a significant amount of warehousing and high-technology industries due to its central location in the region.

About 45 percent of Fremont's total industrial land supply is developed.

Projections

As is discussed in more detail in the Local Economy Chapter, development in the City's Industrial Area is dependent on the health of the Bay Area's economy. Fremont has a significant land resource available for new industrial development. The City is poised to take advantage of whatever new industrial or semi-industrial uses develop in the next twenty years. Fremont is committed to the long term viability of its industrial uses. Intrusions of incompatible uses which would restrict present and future industrial uses should be avoided. Its role as a center for warehousing and distribution for the rest of the region is also likely to grow due to the availability of land and Fremont's central location. The City's land use plan expects approximately two-thirds of the currently available industrial land to develop in the next twenty years with a variety of high technology, manufacturing, warehousing and wholesaling uses

Some designated industrial land on the west side of the Industrial Planning Area has been identified for possible incorporation into the National Wildlife Refuge (see Parks and Open Space Chapter for further discussion).

Two areas in the Industrial Planning Area have been designated study areas to evaluate whether it is appropriate to convert them to alternative uses. Each is described below under the Land Use Plan discussion. If approved for conversion, residential uses would be expected to build-out rapidly.

Land Use Plan

The land use plan conserves the majority of designated industrial land for future industrial development. The Plan seeks to differentiate between different types of industrial uses to allow for separation of conflicting activities and to better serve the needs of different types of industry. It encourages the development of "park" environments for those users who prefer this type of environment, and protects them from those industries less concerned with amenities. It also establishes a category of small local-serving industrial uses ("light industry") for industrial uses near residential and commercial areas.

As noted above, two large areas are designated for study for possible conversion to alternative uses:

- **Warm Springs BART Study Area.** To make optimal use of the access provided by a future BART Station, the City is designating this area for consideration of alternative land uses. Conversion to residential use is one of the options under consideration.

- **Fremont Shores Study Area.** A study is proposed to evaluate the possible conversion of some land previously planned for industrial use to residential and other uses. This area is referred to as the Fremont Shores Study area. Due to its location, the conversion, if approved, would establish a new residential neighborhood in Fremont, and would require necessary neighborhood services such as schools, parks, and stores.

While no site is currently identified, additional industrial land could be converted to a “High Volume Commercial” area which meets the criteria identified in this General Plan. However, outside of such designated areas, the plan would limit the growth of commercial uses to those that serve industry.

HILL PLANNING AREA

The City’s eastern hills rise above Mission Boulevard and I-680 to form an open space backdrop to the City (see separate Hill Planning Area map for location). The City’s hills extend eastward to the City limits. Beyond the City’s boundary there is a significant amount of hill land in private ownership. Development in this area would have a significant impact on the City. Similarly, any development plans for the area within the City’s boundaries would have an impact on the adjacent lands. Due to this relationship, the City considers this area to be part of an Expanded Planning Area and, for planning purposes, has shown it as part of the Hill Planning Area, as shown on the separate Hill Planning Area map. While no decision has been made, there is some potential for part or all of the expanded planning area to be incorporated into the City.

The voters of Fremont considered the eastern hills to be important to the character of the City and adopted initiatives in 2002 and 1981 to provide special protection for them. The initiatives included General Plan amendments. No substantive changes to the initiative provisions now in effect can be made without another vote. However, additional policies can be adopted to supplement the initiative-adopted amendments so long as they are consistent with the amendments. The initiative-adopted General Plan amendments now in affect are presented in their entirety in this Plan, as required by the initiatives.

The following descriptive section was not adopted by initiative and summarizes existing conditions, projections and the intent of General Plan policies in regards to the Hill Planning Area. The following information does not supersede the specific definitions and policies regarding the “Hill Area” adopted by initiative and found in the Goals, Objectives and Policies section of this Plan.

Setting

The Hill Planning Area is east of Route 680 and Mission Boulevard, from Milpitas to the Union City limit. It includes Niles Canyon, Mission Pass and the Mission Hills but excludes a small area at the mouth of Niles Canyon and at the base of Mission Pass. It includes land outside of the City's boundaries to the edge of the publicly owned watershed lands owned by the San Francisco Water Department. The area can be divided into seven distinct units as shown in the separate Hill Planning Area map and described below.

Base of the Hills. This area is the area below the toe of the hill. The area is between Mission Boulevard (and I-680) and a line which demarks the beginning of the steeper hills. The demarcation line is called the "Toe of the Hill" and is defined as a line along the base of the hills along which the natural grade is a maximum of 20 percent. The Base of the hills is the most easily developed portions of the Hill Planning Area and most of this area is developed. The provisions of the Hill Initiative do not regulate this area.

The Hill Face. This area is perhaps the dominant element of the City's visual and physical character. The Hill Face extends from the "Toe of the Hill" to the "Ridgeline". The Ridgeline is defined as the visual ridge as seen from Mission Boulevard, I-680 and other locations (see "Definitions" section of the Hill Planning Area policies section). The Ridgeline is shown on a separate Hill Planning Area map. Development of the Hill Face would significantly affect Fremont's character. The Hill Face is also a relatively constrained area for development, with special geologic constraints and unique biological resources. At this time (1990) there are only a few houses located on the Hill Face.

Niles Hills. This is a wedge of land east of the hill face and north of Niles Canyon extending to the Union City limits. This area is a mix of steep terrain and some rolling hills and is undeveloped.

Mission Hills West. This area is bounded by Mission Boulevard, the south branch of Mission Creek, Freeway Route 680, Durham Road and Paseo Padre Parkway. The principal topographic features of the area are three ridges formed by the erosive action of streams. The area is largely developed with a mixture of low density semi-custom homes, clustered residential development, the undeveloped Antelope Hills trail park, and dedicated open space.

Vargas Plateau West. This area extends easterly from the visible ridgeline to the City's eastern City limits, and extends north from I-680 to the steeply sloped land dropping off to Niles Canyon. The Vargas Plateau includes areas of rolling hills and relatively flat terrain as well as highly constrained, steep slopes and biologically sensitive creek areas. This area has approximately 25 homes.

Vargas Plateau East. This area is physically part of the Vargas Plateau but outside of the City's existing boundaries. This subarea extends east from the City's boundaries to land owned by the San Francisco Water Department.

While physically part of the Plateau, the Vargas Plateau East area straddles two watersheds. The approximate location of the watershed boundary is shown on the separate Hill Planning Area map. On the east side of the watershed boundary, water drains into the Sunol Valley and becomes part of the San Francisco Water Department's Alameda Creek water supply (part of which is used by the City of Fremont). On the west side of the watershed boundary, water drains into the City, mostly into Mission Creek and other creeks which do not affect Alameda Creek or the City's water supply.

Mission Creek. The area east of the visible ridge and south of I-680 is referred to as the Mission Creek area. The Mission Creek area is considerably more rugged than the Vargas Plateau; much of this area includes slopes similar to the Hill Face. This area has only a few homes.

Sheridan Road. South of I-680 is another area extending southwest from the Sunol Valley. Some of this area is an extension of the Valley with relatively flat land and rolling hills, while other areas are steeply sloped similar to portions of the Mission Creek area. Existing uses include nurseries and quarries, in addition to agriculture.

In addition to these areas, the Hill Planning Area also includes Mission Pass and Niles Canyon, two routes through the hills which extend from Sunol Valley into Fremont.

The few roads serving the hills above the Toe of the Hill are mostly narrow. Only a small portion of the lower portions of the Hill Face are served with public sewer and water, and there is no sewer or water services at higher elevations or east of the Ridgeline. Almost all of the Hill Planning Area above the Toe of the Hill is outside of the area where the City can meet its objective of responding to emergencies within five minutes.

Projections

Development in most of the Hill Planning Area within the City's boundaries is controlled by the Hill Area Initiative. Development outside of the City's boundaries is under the County's jurisdiction unless and until an area is incorporated into the City. The 2002 initiative would apply to any area defined as Hill Area by the initiative that is incorporated into the City.

The 2002 initiative permits only very low density residential development (one unit per 20 acres) for those parts of the Hill Area (as defined by the Hill Area Initiative of 2002) within the City limits on January 1, 2002. For parts outside the City limits on January 1, 2002, the permitted residential density is one unit per 100 acres if annexed to the City

Each subarea is discussed below (including those outside of the City).

Base of the Hills. This area below the Toe of the Hills and generally outside the Hill Area as defined in the 2002 Initiative, generally has City services and is largely built-out. The remaining vacant developable parcels are expected to be developed with lower density single family homes in the next five to ten years.

Hill Face. The 2002 Initiative permits only very low density development (one unit per twenty acres) in this area. Only very limited development is expected on the Hill Face.

Niles Hills. This area is limited to one unit per twenty acres. Only very limited development is expected in the Niles Hills.

Mission Hills West. Some additional low density residential development is expected on property along Sabercat Road above Durham Road and on scattered sites along Durham Road and Mission Boulevard. A small area of office and neighborhood commercial development at Sabercat Road and Pine Street is also permitted.

Vargas Plateau West. This area is designated for very low density residential development (.05 units per acre) Only very limited development is expected in the Vargas Plateau West.

Vargas Plateau East. This area is not within the City limits. Under the County, this area is planned for agricultural use and only very low density development (1 unit per 100 acres) is allowed. There have been proposals to further reduce the density of allowed development. Other scattered uses have been permitted consistent with agriculture use, including a quarry.

If incorporated into Fremont, the area would be subject to Fremont's land use plans. Only very low densities (maximum of one unit per 100 acres) would be permitted.

Before any decision can be made regarding expansion of the City boundaries, many issues must be evaluated. Especially important to the City is the impact of any possible development on the watershed of the San Francisco Water Department which ultimately supplies a portion of the City's drinking water.

Mission Creek. Most of this area faces severe geologic and access constraints. Development potential is one unit per 20 acres. Due to the constraints on this area, very little development is expected.

Sheridan Road. If annexed to Fremont, development potential would be limited to one unit per 100 acres. Only very limited development is expected.

Land Use Plan

The land use plan for most of the Hill Planning Area is prescribed by the initiatives. The need for and location of a school site on the eastern side of I-680 requires further review.

The General Plan calls for the residential land uses in each of the Hill Planning Area sub-areas:

Base of Hills. The plan would retain existing designations for this area which permit low density residential development consistent with environmental resources and constraints.

Hill Face. A key element of the plan is preservation of the visible Hill Face and Ridgeline from development. Several strategies are recommended for achieving these objectives, including no visible protrusion into the ridgeline.

Niles Hills. This plan would permit some very low density residential development. The City will need to monitor the Union City planning process in regards to this area.

Mission Hills West. The General Plan shows no land use changes for this subarea.

Vargas Plateau West. This plan would permit very low density residential development.

Vargas Plateau East. If and when this area is annexed to Fremont, this Plan would permit very low density residential development.

Mission Creek. This plan would permit very low density residential development.

Sheridan Road. If and when this area is annexed to Fremont, this Plan would permit very low density residential development.

GOALS, POLICIES AND IMPLEMENTATION

Fundamental Goals

Virtually all of the City's Fundamental Goals are relevant to land use, but the following are perhaps most relevant:

- F 2 AN HARMONIOUS BLEND OF THE NATURAL AND BUILT ENVIRONMENTS**
- F 3 A CITYSCAPE WITH AN OPEN FEELING**
- F 5 A VIBRANT, WELL DEFINED, VISUALLY DISTINCTIVE CENTRAL BUSINESS DISTRICT AS THE FOCUS OF THE CITY'S GOVERNMENTAL, CULTURAL AND COMMERCIAL ACTIVITY**
- F 6 A UNIFIED CITY WITH THRIVING DISTRICTS AND EMERGING COMMUNITIES, EACH WITH ITS OWN IDENTITY**
- F 7 AN OPEN SPACE FRAME THAT INCLUDES THE HILLFACE, BAY WETLANDS AND GATEWAYS**
- F 8 A DIVERSITY OF RESIDENTIAL, RECREATIONAL, CULTURAL, EMPLOYMENT AND SHOPPING OPPORTUNITIES**
- F 9 A LARGE, DIVERSIFIED INDUSTRIAL AND COMMERCIAL BASE TO MEET THE EMPLOYMENT NEEDS OF THE CITY'S PRESENT AND FUTURE WORKFORCE**
- F 12 PARKS, RECREATIONAL FACILITIES AND OPPORTUNITIES**
- F 13 VITAL CONNECTIONS BETWEEN THE HISTORY AND HERITAGE OF THE COMMUNITY AND EVERYDAY LIFE**

The following subsections are divided into broad land use designations: residential, commercial, industrial, open space and public uses. Each section discusses land use goals related to the designation, followed by plan policies and design and development policies. Unlike other chapters of this plan, there are no objectives in the Land Use Chapter.

Land Use Diagrams

The City's land use policies are reflected in the City's land use diagrams. The Summary Land Use diagram shows the City as a whole and illustrates land use relationships. However, due to the size of the City, the summary diagram aggregates some land use categories. More specific and detailed information on land uses is shown on the Planning Area diagrams which should be used for determining General Plan designations for any particular parcel.

Residential Development

Several of the City's Fundamental Goals relate to residential development. In summary, these goals state the importance of a diverse community, and of blending the natural and built environment. Of the four goals in the Housing Chapter, three are most relevant to land use, as follows:

GOAL H 1: Conservation and enhancement of existing residential neighborhoods

GOAL H 2: High quality and well-designed new housing of all types throughout the city

GOAL H 3: Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the city consistent with the Hill Area Initiative of 2002

Taken together, these goals lead to one primary land use goal:

LAND USE (LU) GOAL 1:

NEW HOUSING DEVELOPMENT WHILE CONSERVING THE CHARACTER OF THE CITY'S EXISTING SINGLE FAMILY RESIDENTIAL NEIGHBORHOODS

Residential Land Use Policies

Allowed Uses and Densities

Policy LU 1.1: The following list of allowed uses in areas designated for residential use is descriptive rather than fully inclusive. Other uses may be allowed which achieve the intent of the plan as described in the goals and objectives and in the design and development policies.

Residential. Residential use is the primary allowed use in a residentially designated area. The type of residential use depends on the permitted density and other criteria to protect neighborhood character and the safety and welfare of residents.

In areas designated Residential-Centerville Specific Plan (R-CSP) and where zoned for commercial use, commercial uses are also permitted.

[Note: This policy has been implemented].

Schools, Childcare Centers, Public and Semi-Public Facilities (e.g., churches) and Nursing Care facilities. These uses may be allowed, although conditions may be established to limit the impacts of these uses on residents.

Policy LU 1.2: Residential density ranges are presented in Table 3-4

Table 3-4 Residential Density Ranges					
	Density Range	Residential Intensity Dwelling Units /Acre			Persons /Acre***
		Minimum Density	Midpoint Density	Maximum Density	
Very Low	1	.25	.67	1.0	2.1
	2	.5	1.0	1.5	3.2
	3	1.0	1.5	2.3	4.8
Low	4	2.0	2.8	3.5	8.9
	5	3.0	4.0	5.0	12.7
	6	4.0	5.0	6.0	15.9
	7	5.0	6.0	7.0	19.0
Medium	8	6.5	8.3	10	26.3
	9	11.0	13.0	15.0	41.2
	10	15.0	16.5	18.0	52.3
	11	18.0	20.5	23.0	65.0
High	12	23.0	25	27	79.3
	13	27	31	35	98.3
	14	35	42.5	50	134.7
Very High	15	50	60	70	190.2
* The characterization of density as very low, low, medium, high and very high are used to simplify the presentation of information on the Land Use diagrams. The permitted density ranges are those indicated and are shown on Planning Area maps.					
** Density per gross acre					
*** Based on estimated average household size of 3.17 people in 2010 (ABAG) and development at midpoint density for each density range. This is not a standard or limit on the number of people who can occupy any given unit or area of the City, but is presented for planning purposes. These persons/acre numbers are the standard used to calculate need for certain facilities (i.e., parks) for geographical areas and to calculate demand (i.e., traffic) and to provide a basis for infrastructure planning.					

Policy LU 1.3: Reserved.

Policy LU 1.4: Reserved.

Policy LU 1.5: Residential Density Range 14 shall only be considered for land within walking distance (about one half mile) of a BART Station or other major transit facility. Residential density Range 15 may only be considered for land within walking distance (about one-half mile) of the Fremont BART Station in the Central Planning Area.

Density Bonus for Low and Moderate Income Housing and Senior Housing

Policy LU 1.6: To increase the supply of housing affordable to low and very low income households, an increase in density (a “density bonus”) of 25 percent above the maximum permitted density and an additional incentive shall be given to a housing development in which at least:

- a) 20% of the units are reserved for low and very low income households; or
- b) 10% of the units are reserved for very low income households; or
- c) 50% of the units are for senior citizens.

Implementation 1: Revise the Density Bonus Ordinance consistent with Housing Element Implementation Program 12 and State Density Bonus law.

Policy LU 1.7: Reserved.

Policy LU 1.8: Housing provided in exchange for a density bonus must continue to be available to the targeted residents for at least thirty years (definition of low and very low income households are discussed in the Housing Chapter).

Implementation 1: When a density bonus is sought, the City shall enter into binding agreements as indicated in the policy.

Minimum Permitted Residential Density

Policy LU 1.9: To achieve a variety of housing types, the City has designated locations where moderate and higher density development is appropriate. Criteria for the location of higher density housing include access to transit, proximity to commercial areas, proximity to a collector or arterial street, and as a transition use where maximum flexibility in site design is required. For those areas where higher densities are indicated on the General Plan Diagram, construction of housing at significantly lower densities than planned would not meet the City’s goals. The City therefore establishes a minimum required density of development for all medium and high density residential uses, as follows:

- When the residential range is between 6.5 and 70 units per acre (ranges 8-15), and a development application has not been deemed complete for processing under the provisions of the Permit Streamlining Act by July 1, 2003, the minimum density of the project must be at the midpoint of the density range.

- When calculation of the midpoint density results in a fraction of a unit equating to 0.50 or more, the minimum density shall be rounded up to the next whole number.

Reductions in the midpoint density may be approved when environmental constraints or historic preservation goals preclude achievement of the midpoint density.

If the property proposed for development contains a Primary Historic Resource, or is listed on the State or National Register of Historic Places, or is determined by City Council through a recommendation from HARB to possess historical significance then minimum density requirements may be waived.

Policy LU 1.10: To provide for increased flexibility in the use of the existing and future housing stock and increase the availability of affordable housing, a secondary housing unit may be permitted to be added to an existing or with a new single family home in a residentially designated area. A secondary unit is a self contained living unit, either attached to or detached from, and in addition to, the primary residential unit on a single lot. To protect the character, health, safety and welfare of a neighborhood, such units will be permitted only if certain requirements are met. Those conditions include but are not limited to owner occupancy of one unit.

Implementation 1: The zoning ordinance shall establish appropriate requirements for secondary units in accordance with the provisions of state law.

Residential Design and Development Policies

Policy LU 1.11: Appropriate transitions shall be encouraged between higher density residential areas and lower density areas, and between commercial areas and lower density residential areas. Transitions can be composed of streets, setbacks, open space, landscape and site treatments, building design and/or other techniques.

Implementation 1: Specific plans and other types of design or development plans shall include guidelines for appropriate transitions between uses. Where such plans or specific guidelines do not exist, the City's project review process for multi-family, commercial and industrial projects shall review projects for the provision of appropriate transitions, where necessary.

Implementation 2: Site design in residential projects shall be used to separate habitable areas of the project from noise or light sources. For instance, parking spaces, landscaping and roadways could be located adjacent to a commercial use to help buffer noise and light intrusion.

- Policy LU 1.12: To the maximum extent feasible, play areas and open spaces shall be located to avoid conflict between residents attempting to reach these facilities and vehicular traffic.
- Policy LU 1.13: Buildings shall be designed to provide for maximum feasible visual and auditory privacy for each unit through the use of site design, open space, landscaping and appropriate building materials.
- Policy LU 1.14: Streets shall be located to provide for visual and, when appropriate, physical access to any natural water course, varied terrain, unusual or unique natural features or historical site in the project, consistent with preservation of biological and natural resources.
- Policy LU 1.15: Projects shall be designed and oriented to encourage the use of attractive vistas, and the opportunities for the orientation of buildings and open space facilities to the sun.
- Policy LU 1.16: Street systems, walkways and soundwalls shall be designed, when feasible, to permit convenient access to public transit and to encourage the provision of public transit to the residents of the subdivision. Bus stops shall be included in the development of improvement plans, where applicable.
- Policy LU 1.17: Where open space has been considered as an element in the design of a residential development project, further development or encroachment on the open space by new buildings shall be strongly discouraged. Where feasible, project open space shall be permanently restricted to open space through deed restriction or other appropriate means.
- Implementation 1: Appropriate means for permanently protecting open space shall be defined and set forth in City ordinance.

Single Family Homes

- Policy LU 1.18: Single family detached homes shall be proportional to their lots.
- Policy LU 1.19: For single family residential developments, the City shall encourage within each project varied setbacks, curves in roadways, variety in frontages, and appropriate landscape treatment to create a visually attractive street frontage.

Mixed Use Development

Mixed use development allows for a mixture of residential and commercial uses on one lot and within a single development project. The mixture can be separate commercial and residential buildings on the same parcel of land, or it can be mixed use with compatible commercial and residential uses.

Policy LU 1.20: Mixed use (residential/commercial) is allowed in Commercial Districts as specified by the zoning regulations for the respective district in order to increase the vitality and activity within the commercial district.

Implementation 1: Develop design and development standards, including residential intensity standards, for mixed use projects within commercial districts.

Rental Housing: Adaptable for the Disabled

Policy LU 1.21: All rental housing of four or more units, including housing developed as condominiums but planned for rental, shall incorporate features to make the housing adaptable to the needs of the physically disabled.

Multi-Family Housing

Policy LU 1.22: Multifamily housing units shall be developed with consideration given to the relationship to adjacent development. Particular attention should be given to the style of roofs, with flat roofs discouraged except where they are usable outdoor space.

Policy LU 1.23: A variety of unit types and sizes shall be encouraged within each multi-family project.

Policy LU 1.24: Multi-family housing (with the exception of housing designed exclusively for seniors) shall be designed to accommodate the needs of families and children.

Implementation 1: Encourage multi-family housing developments to include a percentage of units with three or more bedrooms consistent with the Housing Element Implementation Program 27 (Family and Larger Sized Units).

Implementation 2: Incorporate appropriate amenities/play areas for children in multi-family housing developments.

Policy LU 1.25: Where several multi-family projects are on adjacent parcels of land, a variety of architectural and site design treatments shall be encouraged. However, an architectural or landscape design theme for several parcels may be appropriate.

Residential Development in Fremont's Hills

Due to the unique environmental characteristics and visual prominence of the hills, development policies for this area are presented separately in the "Hill Planning Area" section.

Mission Hills West

Due to the constraints associated with development in the hills between I-680 and Mission Boulevard, many of the residential design and development policies in the Hill Area Design and Development policies also apply to this area (as shown on the separate Hill Planning Area map). See the Hill Planning Area section policies.

COMMERCIAL DEVELOPMENT

The City's Fundamental Goals and the Goals found in the Local Economy Chapter of this General Plan both provide guidance for the development of a commercial land use strategy. The following Fundamental Goals are important.

- F 5 A VIBRANT, WELL DEFINED, VISUALLY DISTINCTIVE CENTRAL BUSINESS DISTRICT AS THE FOCUS OF THE CITY'S GOVERNMENTAL, CULTURAL AND COMMERCIAL ACTIVITY**
- F 6 A UNIFIED CITY WITH THRIVING DISTRICTS AND EMERGING COMMUNITIES, EACH WITH ITS OWN IDENTITY**
- F 8 A DIVERSITY OF RESIDENTIAL, RECREATIONAL, CULTURAL, EMPLOYMENT AND SHOPPING OPPORTUNITIES**

In the Local Economy Chapter, the following goal is most relevant to land use:

GOAL LE 3: A hierarchy of well defined, vital commercial areas meeting the retail shopping, entertainment and service needs of Fremont residents

Taken as a whole, the above goals lead to one commercial Land Use Goal:

LAND USE (LU) GOAL 2: COMMERCIAL DEVELOPMENT FOCUSED IN WELL DEFINED COMMERCIAL AREAS

Figure 3-8 presents a summary of land use designations, intensities of development and employment.

Citywide Commercial Land Use Policies

- Policy LU 2.1: Commercial uses shall generally be located in well defined commercial areas. The commercial land use designations allowed within Fremont are shown in Table 3-5.
- Policy LU 2.2: Floor Area Ratios (FAR) shown in Table 3-5 are thresholds which shall be applied to all commercial projects. Floor Area Ratios are the ratio of gross building area (exclusive of parking) to net lot area. Thresholds indicate the FAR allowed under conventional development. A higher FAR may be granted at the discretion of the City Council if a project meets one or more of the following criteria. Development policies shall be created to provide examples of how these criteria can be met.
 - Extraordinary benefits to the City
 - Unique circumstances of the project which would reduce its impacts in comparison to other projects (e.g., less than normal traffic generation)
 - Transfer of development right between parcels of land in the vicinity of the project

Implementation 1: The zoning ordinance for commercial uses shall incorporate Floor Area Ratios.

Implementation 2: The zoning ordinance shall be modified to define transfer of development right procedures and conditions.

Policy LU 2.3: Building heights shown in Table 3-5 are thresholds which shall be applied to all commercial projects. Thresholds indicate the maximum height allowed under conventional development. However, additional building height may be granted at the discretion of the City Council if a project meets one or more of the following criteria:

- Extraordinary benefits to the City
- Unique circumstances or special project design which would reduce its impacts in comparison to other projects (e.g., designs which reduce its shadowing impacts)

Table 3-5 Commercial Land Use Designations, Intensity and Height (the following FAR's and heights are thresholds)			
	FAR*	Height (ft)	Avg Estimated Employees/Ac**
Central Business District			
within 1/2 mi of BART Station.	0.8	none	116.2
Other areas	0.5	none	49.5
Community Commercial Center	.5 to 1.25	40	57.3 to 143.2
Neighborhood Commercial Center	0.3	26.1	26.1
Thoroughfare Commercial Center	0.3	35	26.1
High Volume Commercial	0.25	40	21.8
Office Commercial	0.3	35	50.3
Mixed Use (Commercial/Residential)***			
* FAR: Floor Area Ratios			
** The City's infrastructure planning is based on assumptions regarding the average number of employees expected to be generated for different types of land uses. That expectation for commercial uses is shown in this last column. Projects which have a likelihood of significantly exceeding this average may require additional environmental impact assessment to review whether the infrastructure, and especially roads, can accommodate the additional employment. This number does not limit the number of employees located in a particular site.			
*** Mixed use is allowed in various commercial districts and FAR, height and employees per acre vary based upon applicable regulations established by the respective zoning districts.			

Central Business District

It is the intent of the City to have a vibrant, Central Business District which is the focal point for the City.

Allowed Uses

Policy LU 2.4: The following list of allowed uses for the CBD is descriptive rather than fully inclusive. Other uses may be allowed which achieve the intent of the plan as described in the Goals and Objectives and in the design and development policies.

Offices: All office uses are allowed in the CBD including those considered to have a regional or sub-regional market area. Highest intensity of office use should be located within a half mile of the BART station/transit hub to promote a transit orientation and limit the auto impacts of higher density development.

Retail: All retail uses are allowed, including retail uses with a regional market area such as department stores and large apparel stores. Neighborhood-serving retail uses (such as grocery stores), shall generally be discouraged within a half mile of BART, except when incidental to office development.

Services: All service uses are allowed in the CBD. Gas stations are allowed only in locations which minimize impact on the commercial and pedestrian character of the area.

Medical: Medical uses should be located near Washington Hospital or the Kaiser Clinic to facilitate ease of access between medical facilities and concentration of medical uses.

Entertainment Cultural Facilities: Such uses shall be encouraged anywhere within the CBD. Movie theaters should be discouraged except as an incidental use within one half mile of the BART station.

Eating and Drinking Establishments: Such uses shall be allowed within the CBD. Design of “fast-food” restaurants shall be reviewed to ensure such establishments are pedestrian oriented and promote a pedestrian oriented environment. Drive-through restaurants shall not be allowed.

Mixed Use: A mix of residential and commercial uses may be allowed in the CBD designated area as a Planned District development. To concentrate and focus the CBD, it is expected that some areas currently designated for commercial use will be modified to permit mixed use or higher density residential use, depending on location. In the interim, before a design and development plan is prepared, a mixed use project on the periphery of the CBD may be permitted when such a project incorporates housing for low income households. Any such project must be a Planned Develop-

ment. A wholly residential project shall not be permitted in the CBD designated area.

Policy LU 2.5: The following uses are generally inappropriate for the CBD:

- Auto repair and auto sales
- High volume retail (see “High Volume Retail” section in this Chapter)
- Wholesale uses except as incidental to retail uses

CBD Design and Development Policies

Policy LU 2.6: Development of the CBD should be guided by a design and development plan which identifies a limited core area for very high intensity development, and other sub-areas as necessary or appropriate. Projects within one-half mile of the BART Station should be high intensity, or be phased and designed so as to not preclude the long-term achievement of a high intensity core area.

Implementation 1: A specific plan or other design and development plan shall be prepared for the CBD.

Implementation 2: Until a more detailed plan is prepared, all projects within the CBD area will be subject to discretionary review for conformance with land use and design and development policies.

Policy LU 2.7: Site design and building development in the Central Business District shall be oriented toward pedestrians and transit. To maintain an active pedestrian environment, buildings oriented towards streets, sidewalks or public plazas shall be strongly encouraged. Retail uses shall be encouraged at the ground level. Building orientation, setbacks, parking locations and building design shall be evaluated for how each element encourages continuity between developments.

Implementation 1: The proposed design and development plan shall include guidelines for improving and maintaining an active pedestrian environment in appropriate sections of the CBD.

Policy LU 2.8 Central Business District developments shall provide safe, convenient and continuous pedestrian walkways linking building entrances to street sidewalks, crossings, and linking building entrances to adjacent building entrances activity centers and transit as illustrated in the Central Business District Central Area Conceptual Pedestrian Connection Plan. Esplanades shall be provided where designated on the Plan. Elements of the system shall be provided in new projects or in existing projects when significant modifications are made in an existing development.

Implementation 1: Developments shall provide for inter-block and intra-block pedestrian circulation. Pedways shall be provided linking: 1) building entrances to street sidewalks, crossings and bus stops, and 2) building entrances to adjacent buildings and activities (such as public plazas) where appropriate.

Policy LU 2.9: Public open spaces and plazas shall be strongly encouraged throughout the CBD. Such areas should be visible and accessible from public walkways and be appropriately landscaped with opportunities offered for sitting.

Implementation 1: Consider establishing incentives to implement the above policy as part of the proposed CBD design and development plan.

Policy LU 2.10: Encourage publicly visible art works in new private developments and in public spaces.

Implementation 1: Consider establishing incentives or requiring that a proportion of project development costs be devoted to publicly visible art works.

Community Commercial Center

Allowed Uses

Policy LU 2.11: The following list of allowed uses for Community Commercial Centers is descriptive rather than fully inclusive. Other uses may be allowed which achieve the intent of the plan as described in the Goals and Objectives and in the design and development policies.

Offices: The focus of office uses should be to provide neighborhood and City-wide services, such as real estate, accounting, small business offices, etc. Regionally-oriented offices are allowed.

Services: All local-serving commercial services are generally allowed including those related to finance, real estate, insurance, business services, home services, personal services and others. Auto services (including repair, gas stations and cleaning), drive-in services (e.g., drive-up banks), and equipment leasing and rental can be allowed in a CCC district if the use does not have a significant negative impact on the CCC's visual character and pedestrian orientation.

Retail: Uses serving several neighborhoods are encouraged, including grocery stores, drug stores, liquor stores, specialty retail stores, and other sales. Regionally oriented retail sales could be located in CCC areas if the design of the use can also be compatible with the visual characteristics and pedestrian orientation of the area. Regionally oriented retail sales are encouraged to locate in the Central Business District. High volume retail sales establishments (as defined in the "High Volume Retail" section of this Chapter)

are not permitted in CCC areas but are encouraged in areas designated for high volume retail sales.

Wholesale: Wholesale businesses are allowed if incidental or connected to a retail sales business. Other wholesaling, warehousing and distribution can be conditionally allowed so long as the uses are compatible with the retail and service character of the area.

Eating and Drinking Establishments: Such establishments are allowed. Fast-food type restaurants are allowed to the degree they can be incorporated into the character of a pedestrian-oriented commercial center. Drive-through restaurants are discouraged unless the drive-through can be oriented so as to be compatible with the visual character and pedestrian orientation of the area.

Mixed Use: A mix of residential and commercial uses may be allowed in a CCC designated area; however, a wholly residential development is not allowed. Design and development plans recommended for the CCC districts (discussed below) should allow for mixed use development to foster vitality and pedestrian activity and promote Housing Element goals. In Historic Overlay Districts, single family residences may be associated with commercial uses in a mixed use development.

Hotels Motels: Hotels, motels and other lodging facilities are allowed which are consistent with the scale and character of the CCC. Lodging facilities should be integrated into the CCC district to the degree feasible, with commercial frontages maintained on main commercial streets, where appropriate.

Design and Development Policies

Due to the differences between the various CCC areas, the following policies are divided into those which relate to all CCC areas, and those which apply to some or only one of those areas. To further refine and understand the intent of these policies, the discussion of Planning Areas (following section) discusses how these policies should be applied to each Planning Area.

All CCC Areas. The following policies apply to all CCC areas:

Policy LU 2.12: CCC areas shall be limited to those designated in this General Plan.

Policy LU 2.13: CCC areas may be enlarged if a proposed increase in size is consistent with the concept of concentration and integration of uses, or if an increase is necessary to accommodate a particular proposed use that could not otherwise be readily accommodated within the existing designated CCC area.

Implementation 1: Proposed modifications in General Plan designations and zoning shall be reviewed for conformance with the above policy.

Policy LU 2.14: A CCC should be a pedestrian oriented commercial environment. To maintain an active pedestrian environment, buildings oriented toward sidewalks or public plazas and walkways shall be strongly encouraged. Retail uses shall be encouraged at the ground level.

Implementation 1: The proposed design and development plan shall include guidelines for improving and maintaining an active pedestrian environment.

Four Historic Districts. The following policies apply to the four historic CCC districts: Irvington, Centerville, Mission San Jose and Niles.

Policy LU 2.15: Community Commercial developments shall provide safe, convenient and continuous pedestrian walkways linking building entrances to street sidewalks and crossings, and linking building entrances to adjacent building entrances and activity centers where appropriate.

Policy LU 2.16: Development of the CCC area should be guided by a design and development plan. The plan should assess the appropriate area needed for commercial uses and recommend alternative uses (including mixed use), particularly for areas outside the identified commercial center. The plan should also identify parking strategies for the commercial area as a whole so as to foster a pedestrian oriented shopping environment. The plan should address historic preservation and design guidelines for each CCC.

Implementation 1: A specific plan or other design and development plan or guidelines shall be prepared for each of the four historic districts.

Implementation 2: The design guidelines being prepared for a portion of the Irvington CCC shall be completed and adopted. Additional land use analysis for Irvington should be conducted. Consideration should be given to the impact of BART on the area and BART design plans should be carefully reviewed for compatibility with the character and long term vitality of the commercial area.

Policy LU 2.17: Each of the four historic commercial centers shall be oriented toward pedestrians to the degree feasible. New development should strengthen the “Main Street” character of these areas. Projects should be planned to create active pedestrian frontages oriented towards sidewalks, streets or, when appropriate, towards a public plaza.

Implementation 1: Design and development plans should include designation of a pedestrian network.

Policy LU 2.18: Where appropriate, buildings shall be oriented toward the street and sidewalk. Whenever feasible, parking should be at the rear of buildings or in joint parking areas rather than in front of buildings and businesses.

Policy LU 2.19: New development projects should be integrated with existing development in regards to design, scale and character. Existing Street trees and landscaping should be conserved.

Implementation 1: The proposed design and development plans shall include guidelines for integration of uses, for transitions between uses and intensities, and more specific guidelines for intensity of use.

Implementation 2: Until a design and development plan is prepared for each area, proposed developments should be reviewed for conformance with the intent of this policy.

Centerville. A Specific Plan has been adopted for Centerville.

Policy LU 2.20: Implement the adopted land use policies of the Centerville Specific Plan.

Warm Springs and Mowry/Blacow. The following policy applies to the CCC areas at Mowry Avenue and Blacow Road, and at Warm Springs and Mission Boulevards. To achieve increased pedestrian orientation, future development should focus and integrate the existing developed CCC area.

Policy LU 2.21: New development shall be oriented toward integrating and connecting the designated CCC. Site development planning should establish connections between parcels and development projects. Building orientation, setbacks, parking locations and building design shall be evaluated for how each element encourages continuity.

Northern Plain (Ardenwood). The following policy applies to the proposed Northern Plain CCC area located in the Ardenwood Forest area:

Policy LU 2.22: The designated CCC area should be designed so as to create an integrated shopping and service commercial area, oriented as much as feasible to pedestrians. It should be visually integrated with and, if feasible, physically connected to the surrounding neighborhood.

Neighborhood Commercial

Allowed Uses

Policy LU 2.23: The following list of allowed uses for Neighborhood Commercial Centers is descriptive rather than fully inclusive. Other uses may be allowed which achieve the intent of the plan as described in the Goals and Objectives and in the design and development policies. Wholly residential uses are not permitted.

Retail: Neighborhood serving retail uses, such as a food store, drug store, liquor store, small hardware or variety store, are allowed. Department stores and other large retail outlets should not be allowed.

Services: All neighborhood-serving commercial services are generally allowed including branch banks and personal services such as cleaners, video rental and shoe repair. Gas stations may be allowed

in locations easily accessible to arterials and/or collector streets. Auto repair, except as part of a gas station, shall not be permitted.

Eating and Drinking Establishments: Eating establishments are permitted. Drinking establishments and drive-through restaurants are discouraged unless the drive-through can be oriented so as to be compatible with the character and pedestrian orientation of the shopping area.

Offices: Offices may be allowed only if they are oriented towards neighborhood services, such as accountant/tax services, real estate services, insurance services and the like.

Mixed Use: A mix of residential and neighborhood commercial uses may be allowed in a CN designated area; however, a wholly residential development is not allowed. Mixed use developments shall be permitted where the vitality and pedestrian activity of the commercial district is maintained

Implementation 1: The zoning ordinance shall be modified where necessary to be in conformance with this policy.

Design and Development Policies

Policy LU 2.24: Neighborhood commercial areas are smaller shopping areas which provide a variety of convenience goods and services to a surrounding neighborhood. To provide the appropriate mix of goods without competing with Community Commercial Centers, they should be no smaller than three acres and no larger than ten acres. It should be noted that some designated Neighborhood Commercial areas are not associated with a neighborhood and some do not meet the criteria of size and concentration of uses. These areas are shown as Neighborhood Commercial on the land use plan due to their current mix of uses.

Policy LU 2.25: Each residential neighborhood should be adequately served with goods and services. Proposals for new Neighborhood Commercial areas shall identify the market area to be served and the mix of uses proposed. The evaluation of proposals for a Neighborhood Commercial designation on land not currently so designated shall consider whether existing Neighborhood Commercial areas could accommodate the proposed uses.

Policy LU 2.26: Neighborhood Commercial centers should generally be developed as a single project, with a theme and consistent architectural style and materials. A design theme should be appropriate to the area in which it is located.

Thoroughfare Commercial

Allowed Uses

Policy LU 2.27: The following list of allowed uses for Thoroughfare Commercial areas is descriptive rather than fully inclusive. Other uses may be allowed which achieve the intent of the plan as described in the Goals and Objectives and in the design and development policies. Wholly residential uses are not permitted.

Retail: Small stores providing a range of convenience goods (including groceries) and other uses clearly serving the motoring public are allowed. Small convenience stores incidental to gas sales are generally allowed. Auto sales are allowed. Any retail use is subject to meeting the conditions discussed under “Design and Development” policies and other conditions regarding compatibility with surrounding uses as may be defined in the zoning ordinance.

Services: Gas stations, including those with integral repair and cleaning facilities, are allowed. Office uses are not allowed except as incidental to other uses.

Eating and Drinking Establishments: These uses are allowed, including drive-through.

Hotel/Motel: Lodging facilities of all kinds are permitted.

Mixed Use: A mix of residential and thoroughfare commercial uses may be allowed in a CT designated area; however, a wholly residential development is not allowed. Mixed use developments shall be permitted where the vitality of the commercial district is maintained.

Design and Development Policies

Policy LU 2.28: The thoroughfare commercial designation shall apply to uses which primarily serve the traveling public and/or are inappropriate for commercial centers, as described under “Allowed Uses.” This use designation should not be applied to projects which primarily provide goods and services to a neighborhood or community (e.g., dry cleaning, audio-video stores, specialty food stores, etc).

Policy LU 2.29: Thoroughfare Commercial uses shall be located on an arterial street with a high volume of through traffic. Sufficient roadway width or alternative access points shall permit access to the commercial site without significant impacts on the carrying capacity or safety of the road. Appropriate locations are near freeway interchanges and along the City’s arterials, and especially at intersections of arterials. Locations on collector streets shall generally be discouraged.

Implementation 1: The designation of new Thoroughfare Commercial areas on the City's General Plan land use diagram shall be subject to criteria listed in policies LU 2.28 and LU 2.29 to ensure the intent of this policy is carried out.

Policy LU 2.30: All proposed uses in a Thoroughfare Commercial designated area should be evaluated to determine that the use is primarily oriented toward the motoring public or is inappropriate to an existing commercial area.

Implementation 1: A limited number of uses, primarily serving the traveling public shall be permitted. Other thoroughfare commercial uses shall be subject to discretionary review and approval to ensure the intent of this policy is carried out.

Policy LU 2.31: Thoroughfare Commercial designation shall generally not be applied adjacent to or within a quarter mile of another commercially designated area of the City unless the proposed use is inappropriate for the existing commercial area and is clearly oriented toward serving the motoring public.

Implementation 1: Any proposed General Plan amendment for a Thoroughfare Commercial designation shall be reviewed for conformance with the above policy.

Policy LU 2.32: Thoroughfare Commercial uses shall be designed to be compatible with surrounding uses and/or compatible with the design theme of a district or planning area (e.g., "Mission" style in Mission San Jose). Because such uses are often in highly visible locations, such uses should be attractive additions to the City's environment, incorporating appropriate landscaping and other design features.

High-Volume Retail

Allowed Uses

Policy LU 2.33: "High Volume Retail" uses commonly have relatively large floor areas, do a very high sales volume, and generally sell bulky or large quantity goods. These types of uses usually require easy auto access and visibility from major transportation corridors. The following list of allowed uses for High-Volume Retail areas is descriptive rather than fully inclusive. Other uses may be allowed which achieve the intent of the plan as described in the Goals and Objectives and in the design and development policies. Residential uses are not allowed.

Warehouse/Retail: These types of retail stores provide a wide mix of bulk retail goods. The stores include very low overhead "warehouse" type interiors and do both wholesale and retail trade.

They have very large floor areas. Smaller retail stores should be located in other commercial areas, as should any store devoted primarily to food or apparel sales.

Furniture Outlets: These stores include a wide range of furniture and other home furnishings. Similar to the warehouse retail store, these outlets generally include low-overhead, “warehouse” type environments.

Home Improvement: These large stores carry a wide range of home improvement goods from lumber to standard hardware, and may include planting and yard material.

Auto Sales: The Fremont auto-mall is a high volume sales area which generally requires large “floor-areas.” The auto mall has therefore been identified as a High Volume Commercial area. However, other high-volume oriented retail uses should not be allowed in this area in order to reserve land (and road capacity) for expansion of auto-related sales and services.

Eating and Drinking Establishments: These uses are allowed.

Design and Development Policies

Two areas in the City are designated for high-volume retail stores. One is the existing area near Stevenson and Albrae, and the other is the proposed Fremont Auto Mall west of I-880. At present, there is insufficient road capacity to permit a significant increase in retail development beyond that currently planned in either of those areas.

Policy LU 2.34: Expansion of currently designated High Volume Commercial areas should be allowed only when roadway capacity can be increased or projected congestion can be mitigated.

Implementation 1: Additions to these areas shall be considered only when proposals incorporate necessary mitigations as identified in the policy.

Policy LU 2.35: An area can be designated High Volume Commercial if sufficient market demand indicates additional area within the City is required for this use. The criteria to be used in assessing whether to designate a site High Volume Commercial shall include the following:

- Convenient access from a freeway. Visibility from the freeway is preferred.
- Convenient access from an arterial with sufficient road capacity to accommodate expected traffic at acceptable levels of service and without adverse impacts on existing residential or industrial uses.
- The proposed retail sales area would not have an impact on existing industrial uses, and is not in the midst of existing industrial uses.

Policy LU 2.36: High-volume retail stores shall only be allowed in industrially designated areas meeting the identified criteria for conversion to a High Volume Commercial designation. High volume retail stores should not be allowed in existing Community Commercial and shall be prohibited in Neighborhood Commercial areas.

Office Commercial

Allowed Uses

Policy LU 2.37: The following list of allowed uses for Office Commercial areas is descriptive rather than fully inclusive. Other uses may be allowed which achieve the intent of the plan as described in the Goals and Objectives and in the design and development policies.

[Relocated below under "Residential Uses"].

Office Uses: All office uses are allowed. Regionally oriented office uses are permitted in areas with sufficient auto access (see Design and Development Policies).

Retail Uses: Accessory or incidental retail uses serving the office uses, including eating and drinking establishments, shall generally be permitted. Drive-through restaurants shall not be permitted.

Mixed Use: A mix of residential and office commercial uses may be allowed in a CO designated area; however, a wholly residential development is not allowed. Mixed use developments may be permitted where the vitality of the commercial district is maintained.

Residential Uses: Wholly new residential projects are not allowed except as provided for by the Centerville Specific Plan.

Design and Development Policies

Policy LU 2.38: Neighborhood serving office uses are encouraged to be located in Neighborhood or Community Commercial Centers, citywide services to be within the Community Commercial or Central Business District areas, and regional office uses within the CBD.

Policy LU 2.39: Regionally oriented office uses may be allowed outside of the CBD in areas designated office commercial and meeting one or both of the following criteria:

- Convenient access from a freeway, or
- Convenient access from an arterial with sufficient road capacity to accommodate expected traffic at acceptable levels of service and without significant impacts on existing residential or industrial uses and meeting the following criteria:

- Providing transit linkages or alternate transportation means to assure the traffic impact for the proposed development is equivalent to a project constructed to the office commercial building intensity standard found in Table 3-5.

Policy LU 2.40: New office developments shall be designed to be compatible with and complement nearby development, especially nearby or adjacent residential development.

INDUSTRIAL DEVELOPMENT

One of the City's Fundamental Goals (F-9) is a large, diversified industrial base to meet the employment needs of the City's workforce. A goal in the Local Economy Chapter (LE 1) paraphrases the Fundamental Goal: Increased job opportunities in Fremont for Fremont residents. These goals lead to the following industrial land use goal.

LAND USE (LU) GOAL 3:

SUFFICIENT INDUSTRIAL LAND TO PROVIDE A DIVERSIFIED INDUSTRIAL BASE TO MEET THE EMPLOYMENT NEEDS OF THE CITY'S PRESENT AND FUTURE WORKFORCE

Citywide Industrial Land Use Policies

Policy LU 3.1: Industrial areas within the City shall receive one of three industrial land use designations, as shown in Table 3-6.

Table 3-6 Industrial Land Uses: Intensity and Height			
		Height*** (ft)	Avg Employees/ Ac**
General Industrial	0.35	40	35
Light Industrial	0.35	40	35
Restricted Industrial	0.35	40	35
Warehouses in any Industrial Area	0.45	60	20
* FAR: Floor Area Ratios			
** The City's infrastructure planning is based on assumptions regarding the average number of employees expected to be generated for different types of land uses. That expectation for industrial uses is shown in table 3-6. Actual employment intensities for any site may vary from 10 employees per acre for some types of warehousing to 60+ employees for more employee-intensive uses such as research and development and administrative offices. Proposed projects which have a high likelihood of significantly exceeding the average will generally require additional environmental impact assessment to review whether the infrastructure, and especially roads, can accommodate the additional employment. The employees per acre figure is not meant to limit the number of employees located at a particular site.			
*** Flexibility is permitted as per Policy LU 3.7			

Allowed Uses

Policy LU 3.2: The following list of allowed uses for each industrial designation is descriptive rather than fully inclusive. Other uses may be allowed which achieve the intent of this Plan as described in the Goals and Objectives and other development policies. Residential uses are not allowed in any area designated for industrial land use.

General Industrial: This is the broadest industrial category allowing all types of industrial uses, including warehousing, distribution and wholesaling businesses. However, certain industries with significant environmental impacts (e.g., noise, or dust), nuisance or hazardous characteristics can only locate in areas with this designation. Examples of these industries include extractive and primary processing industries, a proposed refuse transfer center, and large manufacturing and assembly plants.

Warehouse retail and large-scale, regional retail and amusement uses are permitted as a conditional use on sites with convenient freeway access and where the proposed commercial use is compatible with the purpose of the industrial area.

Restricted Industrial: This land use designation is reserved for a wide variety of research and development activities such as product development, engineering, sales, administration, and basic research functions. Manufacturing would also be allowed, so long as any functional or operational characteristics of a hazardous or nuisance nature can be mitigated through design controls. Warehousing, wholesaling and distribution may be allowed if they can be conducted in a manner consistent with the character of the designated area. The restricted industrial land use areas are characterized by superior architectural and landscaping treatment and site planning.

Warehouse retail and large-scale, regional retail and amusement uses are permitted as a conditional use on sites with convenient freeway access and where the proposed use is compatible with the purpose of the industrial area.

Light Industrial: This designation is intended for a wide variety of industrial uses which are generally oriented toward serving local businesses and residents. These include auto repair and servicing, machine shops, cabinet shops, small warehouse and delivery operations, small wholesale businesses, printing and other smaller industrial operations. Light industrial areas are generally in the vicinity of residential or commercial areas.

Policy LU 3.3: Commercial uses providing necessary services for industrial uses and workers and large-scale regional retail and amusement uses may be allowed in industrially designated areas, with the exception of “Light Industrial”. All commercial uses are subject to discretionary review to ensure the use can be served by the existing or planned

roadway infrastructure and would not have a significant adverse impact on existing industrial uses in regards to parking requirements, traffic volume and other conflicts in operations. Appropriate non-industrial uses include large-scale, regionally-oriented retail and amusement uses as well as uses serving industry and employees, such as copying services, branch banks, eating and drinking establishments, convenience shopping and gas stations.

Implementation 1: Proposed non-industrial commercial uses in industrially designated areas shall be subject to discretionary review (use permit or zoning administrator permit) to ensure conformance with the above policy.

Policy LU 3.4: Public and private recreation facilities and parks may be allowed in an industrial area.

Implementation 1: The zoning code shall be in conformance with the above policy. Conditions shall be established to ensure the health, safety and welfare of recreational users and limit impacts on nearby industries.

Policy LU 3.5: Wholesale and retail sales of goods manufactured or assembled on-site are allowed uses in industrial areas. Retail sale of large, heavy equipment and industrial machinery may be allowed in industrial areas.

Implementation 1: Proposed sales of large equipment shall be subject to discretionary review (use or zoning administrator's permit).

Industrial Design and Development Policies

Policy LU 3.6: Floor Area Ratios (FAR) shown in Table 3-6 are thresholds which shall be applied to all industrial projects, at the time of project construction. Floor Area Ratios are the ratio of gross building area (exclusive of a parking structure) to net lot area. Thresholds indicate the allowed FAR under conventional development. A higher FAR may be granted at the City's discretion based on one or more of the following criteria. Development policies shall be created to provide examples of how these criteria can be met.

- Extraordinary benefits to the City
- Unique circumstances of the project which would reduce its impacts in comparison to other projects (e.g., less than normal traffic generation)
- Unique building requirements of a particular industrial use
- Transfer of development potential between parcels of land in the vicinity of the project

Implementation 1: The zoning code for industrial uses shall incorporate Floor Area Ratios.

Implementation 2: Because of the higher permitted FAR for warehouse buildings, standards shall be established to ensure that such buildings are developed and maintained as warehouses. Until standards are adopted, warehousing shall be defined as buildings with 90 percent of the floor area devoted to storage and warehouse purposes.

Policy LU 3.7: Building heights shown in Table 3-6 are thresholds which shall be applied to all industrial projects. Thresholds indicate the maximum height permitted under conventional development. However, additional building height may be granted at the City's discretion based on one or more of the following criteria:

- Extraordinary benefits to the City
- Unique circumstances or special project design which would reduce its impacts in comparison to other projects
- Unique building requirements of a particular industrial use

Policy LU 3.8: Industrial uses in areas designated light industrial should be compatible with nearby commercial or residential uses.

Implementation 1: Uses in areas designated Light Industrial shall generally be subject to discretionary review (use or zoning administrators permit).

Implementation 2: The zoning code shall be in conformance with the above policy.

Policy LU 3.9: Designated industrial areas shall be reserved for industrial uses and related commercial activities. However, the City may consider General Plan Amendments to convert industrially designated land to an alternative use. The following criteria shall be used in evaluating all proposed conversions:

- Conversion of the site to a non-industrial use would not substantially affect the viability of existing and future nearby industrial uses.
- The non-industrial use proposed for the site must be appropriate for the location. In particular conversion to residential uses, shall have sufficient neighborhood services including parks, schools and neighborhood commercial uses. Alternatively, the proposed residential uses shall be near an existing residential area having sufficient neighborhood services to serve the proposed conversion area without significant negative impacts on those services.
- Changes in land use to residential shall not occur unless noise factors affecting the potential residential land use can be mitigated so as to meet the noise standards found in the Health and Safety chapter of the Plan and unless light factors can be mitigated to eliminate glare onto proposed residential uses.

Examples of criteria applicable to some conversions include:

- The industrial site is isolated from other industrial areas.
- The industrial site is substantially undeveloped, or is developed with older and/or obsolete industrial facilities.
- Continued industrial use of the site has the potential to have a significant negative impact on other uses, and especially nearby residential areas.

Implementation 1: A request for General Plan amendment from industrial to residential use shall be reviewed and evaluated for its conformance with the above criteria.

Policy LU 3.10: The City will consider an ordinance to create a heavy industrial land use compatibility zone. The purpose of the zone is to assure long term predictability of compatible land uses around heavy industry.

Policy LU 3.11: Portions of areas designated for industrial use west of I-880 are constrained due to underlying geologic conditions (high potential for liquefaction and/or shaking during an earthquake) and/or have biologically sensitive seasonal or other wetlands (see the Health and Safety and Natural Resource Chapters for locations). Early assessment of environmental constraints and resources should be conducted and submitted with applications for development. Early consultation with the City regarding the implications of the environmental assessment for proposed development is recommended.

OPEN SPACE

The City's open space land use policies have multiple goals, most of which are described in the Fundamental Goals, Open Space, Natural Resource and Health and Safety Chapters of this General Plan. In particular, the following Fundamental Goals are applicable:

F 7 AN OPEN SPACE FRAME THAT INCLUDES THE HILLFACE, BAY WETLANDS AND GATEWAYS

F 2 AN HARMONIOUS BLEND OF THE NATURAL AND BUILT ENVIRONMENTS

Goals in the Open Space Chapter relate to the conservation of open space in the hills, protection and enhancement of special habitats and biologically sensitive areas and conservation of other lands committed to open space uses. In addition, the Open Space Chapter calls for a network of pedestrian trails. The Health and Safety Chapter calls for limiting development in high risk areas, such as areas subject to flooding, land slide, earth movement and others.

The following Land Use Goal summarizes many of the open space goals found in other chapters:

LAND USE (LU) GOAL 4:

CONSERVATION OF THE CITY'S OPEN SPACE RESOURCES

The following Open Space policies are adopted to achieve this goal:

Open Space Land Use Designations

Allowed Uses

The Hill Area as defined in the 2002 Initiative is governed by policies and provisions of that initiative to the extent they are more restrictive or impose more requirements on development, including on allowed uses, than Policies 4.1 - 4.3 and shown in Table 3.7.

Policy LU 4.1: The following list of allowed uses for each Open Space designation is descriptive rather than fully inclusive. Other uses may be allowed which achieve the intent of this Plan as described in the Goals and Objectives and other development policies.

Agriculture: Cultivation of crops, raising (and grazing) of live-stock, salt harvesting, plant nurseries are allowed. Very low density residential uses and buildings devoted to agricultural uses (e.g., barns, green houses, etc.) are also allowed. (See Table 3-7.)

Hill Face Open Space: This designation applies to all areas between the “Toe of the Hill” and the “Ridgeline,” as shown on the Planning Area Land Use Diagrams and Summary Map. Very low density residential use are allowed, depending on access and site-specific constraints (see “Hill Planning Area” for further discussion). Agricultural uses are allowed.

Hill Open Space: This designation applies to the remainder of the Hill Area within the City limits on January 1, 2002, outside of the Hillface and above the Toe of the Hill. Very low density residential use is allowed, depending on access and site-specific constraints (see “Hill Planning Area” for further discussion). Agricultural uses are allowed.

Institutional Open Space: Institutional open space is publicly held land permanently committed to open space uses (including parks, agriculture, recreation, preservation of biological resource values and natural open space). Most publicly owned open space is designated Institutional Open Space or Public Facility. Privately held land which is required by the Hill Initiative to be designated as Institutional Open Space shall retain that designation.

Private Open Space: Private open space is privately held land permanently committed to open space uses (including parks, agriculture, recreation, preservation of biological resource values and natural open space) by easement, deed restriction, or other encumbrance.

Open Space: This designation applies to all other open space areas. Low density residential uses are allowed at a density of one unit per one acre for unconstrained land or one unit per four acres for constrained land, depending on site constraints. A higher density to a maximum of one dwelling unit per acre for constrained lands may be allowed at the discretion of City Council if it finds site constraints can be mitigated.

Most agricultural uses are allowed. Other, more intense agricultural uses may require a conditional use permit.

Areas identified as having any of the following characteristics shall be considered constrained. Any site which has one or more of these constraints shall be given a density of one unit per four acres until the City Council determines that the constraints have been mitigated whereupon the designation can be increased to a maximum of one dwelling unit per acre.

- Severe soil instability
- Class VIII soil as classified by the Soil Conservation Service (United States Department of Agriculture)
- Ground water conditions that may affect or be affected adversely by construction

- Lands which are determined to be an unstable landslide or lands in the path of land with potential for landslide as identified by an on-site geologic investigation or by a survey by United States Geologic Survey
- Lands having slopes in excess of 30 percent (minor encroachments of streets, driveways and buildings onto slopes in excess of 30 percent may be permitted under certain conditions)
- Lands not restricted by constraints but which are inaccessible as a result of having to cross constrained lands
- Lands containing unique natural areas as defined on Figure 9-3
- Lands containing mineral resources as shown on Figure 9-4
- Areas designated S4 or S5 which have moderate to severe ground shaking potential, as shown on Figure 10-3
- Lands rated L3, L4, L5 which have moderate to high liquefaction potential as shown on Figure 10-3
- Areas identified as potential additions to the U.S. Wildlife Refuge by virtue of the presence of wetlands

Design and Development Policies

Policy LU 4.2: Table 3-7 presents the Open Space Land Use designations for the General Plan. All policies related to development in areas designated Hill Face Open Space or Hill Area Open Space are found under “Hill Planning Area.”

Policy LU 4.3: Development on land designated Institutional Open Space is limited to compatible recreational and community uses.

Policy LU 4.4: Development of recreational or other public facilities on open space lands should conserve the open space character of the site and minimize impacts on mature landscaping and environmentally sensitive areas.

Policy LU 4.5: Land dedicated to open space as part of development projects shall generally be designated Institutional or Private Open Space. Binding agreements with the City, such as open space easements or deed restrictions, shall be established to permanently protect such areas. Where appropriate, trees should be planted to enhance the open space.

Implementation 1: Land dedicated as open space as part of development projects should be designated Institutional or Private Open Space. Redesignation of such areas should occur periodically as part of a City-initiated General Plan amendment.

Table 3-7 Open Space Land Use Designation*****		
	Intensity (du/ac*)	Residents/Ac***
Agriculture	1 du/20 ac	0.14
Hill Face Open Space	1 du/20 ac	0.14
Hill Open Space	1 du/20 ac	0.14
Institutional Open Space	does not apply	****
Private Open Space	does not apply	****
Open Space		
Unconstrained	1 du/ac	2.74
Constrained	1 du/4 ac	0.68
* du/ac = dwelling units per gross acre		
*** Assumes 2.74 residents per household		
**** No residential units are permitted in this land use category		
***** In all Open Space districts, building height shall not exceed 35 feet. Impervious coverage shall not exceed 15% of the lot area unless additional coverage is approved by use permit.		

PUBLIC

The “public” designation generally applies to parcels of land owned by a public entity or by utilities which provide required public services such as power.

LAND USE (LU) GOAL 5:

PUBLIC USES ON PUBLIC LAND

Policy LU 5.1: The public designations shall be applied when the public use of a site is different from surrounding land uses.

The following land uses are generally designated Public:

- Public plazas
- City facilities
- Publicly owned schools other than Fremont Unified School District schools (including Ohlone College)
- Water treatment facilities
- Other State, County and local government facilities
- Transit agency facilities
- Utilities, where land is owned by the utility

Fremont Unified School District school sites are not designated on the land use diagrams as limited to use for public facilities. However, the locations of existing and projected schools are and shall be identified on the diagrams for informational purposes and when necessary to effect school site reservations.

Implementation 1: The City shall initiate the rezoning of school sites to Planned District.

Policy LU 5.2: Sites designated as “public” on the General Plan are not precluded from a modification in use or from joint development (i.e, a private development on a publicly owned parcel of land). However, any private development on a public site is subject to discretionary review. If the proposed private use is not considered compatible with the existing public use of the site or with surrounding uses, a General Plan amendment will be required to redesignate the site to the proposed use (e.g, residential, commercial, etc). When a General Plan amendment is required, the Planning Commission and City Council shall consider any proposed use in the context of the surrounding uses and other goals, objectives and policies within this General Plan. However, private uses shall not be permitted in the Civic Center area adjacent to Central Park.

HILL PLANNING AREA

Several Fundamental Goals discuss the importance of the Hill Area to the City's character, and especially the Hill Face. One goal (F 7) is: **"An open space frame that includes the Hill Face, bay wetlands and gateways."** Overall, the following land use goal relates to the hill area:

GOAL LU 6:

PROTECTION OF THE SENSITIVE HILL FACE AND USES IN THE REMAINDER OF THE HILL AREA CONSISTENT WITH ITS CHARACTER AND ENVIRONMENTAL CONSTRAINTS

The following definitions and policies apply, unless specifically noted otherwise, to the Hill Area as defined by the 2002 Hill Initiative.

Definitions

Adopted by Initiatives

For purposes of this plan, the following definitions shall apply, unless the text or context indicates otherwise.

1. The "Hill Area" as defined by the 1981 initiative includes generally the area lying easterly of a line which begins at the Milpitas City limit, runs north along Route 680 and Mission Boulevard, and then north along Mission Boulevard to the Union City limit. The Hill Area includes Niles Canyon, Mission Pass and the Mission Hills, but excludes a small area at the mouth of the Niles Canyon and at the base of Mission Pass.
The "Hill Area" as defined by the 2002 initiative is the area bounded by the Toe of the Hill, from the Alameda County-Santa Clara County boundary north to the Fremont-Union City boundary, east along that boundary to Alameda Creek, east and south along Alameda Creek, south along Calaveras Creek to the Alameda-Santa Clara County boundary, and west along that boundary to the Toe of the Hill.
2. The "Ridgeline" is a visual ridge as established from a point of origin a distance of one and one-half miles from the ridgeline. The point of origin shall be located along a line lying perpendicular to Mission Boulevard and Warm Springs Boulevard. The point of origin of the ridgelines for Niles Canyon shall be located along Niles Canyon Road and shall be a visual ridge located along a perpendicular to Niles Canyon road. The point of origin of the ridgeline for Mission Pass shall be located along a line lying perpendicular to Route 680.
3. The "Toe of the Hill" shall mean a line along the base of the hills where the natural grade first becomes twenty percent (20%) or more, on the western side of the Hill Area from the Fremont-Union City boundary to the Alameda-Santa Clara County boundary, and on both sides of Niles Canyon and Route 680 east of Mission

- Boulevard to the Fremont City Limits.
4. The "Hill Face" consists of those lands situated between the Toe of the Hill and the Ridgeline.
 5. "Constrained land" is land having a slope of 30 percent or greater, soils which the City determines are unsafe for development, or land which is inaccessible.
 6. "Development" includes the placement or structure, including mobile dwelling units, and grading, excavation or fill of land.
 7. "Building" is any structure having a roof supported by walls or columns, or both, except for greenhouses, and intended for the shelter, housing or enclosure of any person, animal or property.
 8. "Structure" includes but is not limited to any building, greenhouse, tower, antenna, utility line, retaining wall, dam, pumping facility, water tank or anything constructed or erected, the use of which requires location on the ground or attachment to something located on the ground.
 9. "State law" means State Constitutional provisions, valid statutes and regulation, and court declared common law.

Adopted by 1981 Initiative as amended by 2002 Initiative

Policy LU 6.1: Residential development shall be prohibited on constrained land, subject to exceptions provided herein. Except for prohibitions or restrictions imposed by the 2002 initiative, the Planning Commission may allow development on constrained land in order to better conform to the terrain and where all technical conditions for safe development are assured.

Policy LU 6.2: Subject to the prohibitions, restrictions, densities, conditions and requirements imposed by the 2002 initiative Hill Area generally compatible uses are agriculture, recreation and very low density residential which complies with standards and densities set out in the General Plan text.

According to the 2002 initiative, the following uses and their normal and appropriate accessory uses and structures (as well as uses preemptively authorized by Federal and State law) are permitted in the Hill Area, if they comply with all of the provisions of this plan and with other City prohibitions, restrictions, regulations, conditions and requirements:

- (a) One single family residence on each legal parcel, secondary units to the extent required by State law, and dwelling units for persons employed on the parcel, or on a ranch or farm that includes the parcel.
- (b) Rental of rooms, including with board, not exceeding two units in a residence.
- (c) Agriculture including grazing, horticulture, floriculture and arboriculture, but not including (1) commercial feedlots, except

for livestock that primarily receive their sustenance in the Hill Area from grazing on a ranch or farm that includes the parcel, (2) large or medium-size pig farms, poultry ranches, or commercial vineyards, or (3) Christmas tree farms.

(d) Small-scale, low-intensity rearing, custodianship, training or care of animals, other than ruminants which shall be governed as agriculture by subsection (c), that does not cause material environmental harm.

(e) Commercial uses, limited to the following:

(1) Outdoor recreation and pastimes predominantly for active participants (this category of permitted uses does not include, among other things, amusement or theme parks and motor vehicle tracks, courses or recreational activities);

(2) Nature observation, study or enjoyment;

(3) Accommodations for short term occupancy and for provision of food and drink (including low-intensity campgrounds and picnic facilities), predominantly for persons engaged in outdoor recreation or nature observation, study or enjoyment;

(4) Uses in historic structures, incidental to preserving the structures and their historic qualities and setting;

(5) Home occupations and offices, subordinate to residential use and conducted primarily by occupants of the property, that will have no deleterious effects on the environment or visual qualities or materially increase local traffic;

(6) Neighborhood stores and services, predominantly to serve the unmet agricultural and other needs of the population of the Hill Area, that cannot practicably be met outside the Area;

(7) Healthcare;

(8) Cemeteries;

(9) Packaging, processing, storage or sale of agricultural produce or plants, a substantial portion of which were grown in the Hill Area;

(10) Small-scale extraction and processing of rock, soil, or water;

(11) Special, occasional short-term events related to agriculture or animals, that do not interfere substantially with the use of land for agriculture or cause lasting adverse environmental harm or visual effects, provided access for vehicles and emergency equipment and for parking meet generally applicable City standards.

- (f) Institutional and other non-profit uses that primarily serve Hill Area residents, or whenever and to the same extent like commercial uses would be permitted.
- (g) City and other government facilities and infrastructure, and public utility facilities, that are limited to meeting the needs created by uses permitted in the Hill Area unless the City Council reasonably finds more extensive public need, that cannot practicably be met outside the Hill Area. However, this exception for more extensive public need shall not apply to waste treatment and disposal or commercial electrical power generating facilities. Publicly provided outdoor recreation and nature observation and enjoyment and ancillary accommodations are permitted whenever like commercial uses would be allowed.

The densities set forth below are maximums. The City may provide for lower densities, especially in agricultural preserve areas.

Policy LU 6.3: Areas on the Hill Face and the Ridgeline are hereby redesignated “Hill Face Open Space.” Development in this area is limited to one residential dwelling unit per twenty acres (.05 units per acre). Constrained and unconstrained land may be combined within a single ownership in order to comply with the density requirements herein, provided that there is at least one contiguous acre of unconstrained land per residential dwelling unit. Development on accessible but purely constrained land is limited to one unit per twenty (20) acres (.05 units per acre), provided that a site which meet the other standards herein is available.

Policy LU 6.4: General Plan designations and densities for the portions of the Hill Area outside the Hill Face and Ridgeline are as follows:

1. Areas currently designated as “Institutional Open Space” or under the control of a public agency shall remain or be designated “Institutional Open Space.”
2. Areas designated “Open Space” or “Open Space- Three Acre Estate” are redesignated “Hill Open Space” or, if appropriate “Institutional Open Space.”

Development in the area designated Hill Open Space is limited to one dwelling unit per twenty (20) acres of land (.05 units per acre). Constrained and unconstrained land may be combined within a single ownership in order to comply with the density requirements herein, provided that there is at least one contiguous acre of unconstrained land per residential dwelling unit. Development on accessible but purely constrained land is limited to one unit per twenty (20) acres (.05 units per acre), provided that a site which meets the other standards herein is available.

3. Areas designated “Residential” are redesignated Hill Open Space with a density of one dwelling unit per twenty (20) acres (.05 units per acre).

Policy LU 6.5: All rezonings (including Planned districts), permits and approvals for subdivision maps, planned unit developments, grading, conditional uses and all building permits, variances, and other entitlements for use, shall be consistent with these requirements and with the associated designations on the General Plan Summary Map and Area Maps.

This plan does not affect the validity of existing parcels, development, structures, and uses that are legal at the time it becomes effective. However, parcels, development, structures and uses may not be expanded or changed in ways that are inconsistent with the prohibitions, limits or requirements of this plan, except as authorized by State law.

The restrictions and requirements imposed by this plan shall apply to proposed development that has not received all necessary discretionary City and other authorizations and approvals prior to the plan’s effective date, except to the extent precluded by State law. To prevent conflicts within the General Plan, otherwise unavoidable by the 2002 Hill Initiative, amendments of the General Plan, except as approved by the voters after approval of the 2002 Hill Initiative, to the extent inconsistent with that Initiative, are superseded and nullified. More generally, if there is any inconsistency between provisions of that Initiative and other provisions of the General Plan, despite efforts to avoid all inconsistencies, those other provisions to the extent they are inconsistent are superseded and nullified and the provisions of the 2002 Hill Initiative shall govern.

Any provision of any existing or subsequently adopted specific or area plan, that is not part of the General Plan, and any provision of any zoning ordinance or any other ordinance, resolution or policy of the City of Fremont, not part of the General Plan, is ineffective to the extent that the provision is inconsistent with the provisions of the 2002 Hill Initiative, except as State law may mandate otherwise. No subdivision map, development agreement, development plan, use permit, variance or other discretionary action inconsistent with the prohibitions, restrictions or requirements of the 2002 Hill Area Initiative may be permitted, approved or taken by the City, or its agencies or officials, except as required by State law.

General Plan provisions, ordinances and other City regulations are not to be deemed inconsistent with and are not affected by the 2002 Hill Area Initiative to the extent that they impose additional prohibitions, restrictions, conditions, regulations or requirements beyond this ordinance on the division, development or use of land in the Hill Area. In that respect, the 2002 Hill Initiative shall be deemed to establish only minimum standards.

Policy LU 6.6: The minimum new parcel size shall be at least twenty (20) acres in the Hill Area within the Fremont city limits on January 1, 2002, except as permitted in Policy LU 6.18. The minimum new parcel size shall be at least one hundred (100) acres in the parts of the Hill Area that are annexed to Fremont after January 1, 2002, except as permitted by clustering under policy LU 6.18.

Existing parcels of record as of January 1, 2002 which are below the minimum lot sizes specified herein must comply with all standards herein except standards relating to size. Substandard contiguous parcels in common ownership must recombine. No more than one residential dwelling unit is permitted on any one substandard parcel.

Apart from the regular subdivision process, the City may not permit lot line adjustments, except as required by State law, if the adjusted parcels for any reason would not comply with the General Plan, including minimum parcel sizes, and all city zoning and building ordinances, or adjustments between more than four (4) parcels, or part of a plan or series of adjustments between more than four (4) parcels.

The City shall not grant certificates of compliance or conditional certificates of compliance except as required by State law. The City shall impose all conditions permissible under State law on conditional certificates of compliance, and shall hold the owner or subsequent transferee to strict compliance with these conditions. A certificate of compliance, by itself, creates no right to develop, nor diminishes in any respect the City's authority to control development.

An easement, conveyed to the City or the City's appropriate designee, shall be required for each parcel with respect to which development is permitted, including parcels from which development is transferred in cases of clustering. The easement shall bar any further development that would not be permitted under this ordinance. The easement shall be negative only; it shall convey no possessory interest to the City or its designee, nor confer any right of public access. The parcel remains wholly in private ownership, so far as the easement is concerned, with exclusive occupancy and use in the owner. The City has no responsibility or liability because of the easement for acts or omissions on the parcel, except in good faith and effectually to remedy or prevent violations of the easement. The easement shall terminate when the parcel is restored substantially to its pre-development condition, so far as the effects of development are concerned.

Additional Hill Area Land Use Policies (Not Adopted by Initiative)

Policy LU 6.7: Areas identified as having any of the following characteristics shall be considered constrained (the following supplements definition #5 in the initiative):

- Severe soil instability
- Class VIII soil as classified by the Soil Conservation Service (United State Department of Agriculture)
- Groundwater conditions that may affect or be affected adversely by construction
- Lands which are determined to be an unstable landslide or lands in the path of land with potential for landslide as identified by an on-site geologic investigation or by a survey by the United State Geological Service
- Lands having slopes in excess of 30 percent.
- Lands not restricted by constraints but which are inaccessible as a result of having to cross constrained lands

Policy LU 6.8: Early assessment of environmental constraints and resources should be conducted and submitted with applications for development. Early consultation with the City regarding the implications of the environmental assessment for proposed development is recommended. Issues to be addressed include geology (e.g., seismicity, soils, slope), biology (e.g., wetlands and riparian zones, landmark trees), mineral resources and visual sensitivity. These resources and constraints are roughly identified in the Natural Resources and Health and Safety Chapters of this plan.

Policy LU 6.9 Due to concerns with the health, safety and welfare of residents, the City shall encourage the Alameda County Water District to provide water facilities in the Hill Area necessary to protect property and the safety of residents. Additional capacity, if any, should be planned in conformance with City policies and regulations for the Hill Area.

Policy LU 6.10: Water service in the Hill Area should be a comprehensive integrated system. The City strongly encourages the Alameda County Water District to provide gravity fed water service in the Hill Face only in conformance with the City's policies and regulations for the Hill Area.

Policy LU 6.11: Transfer of density from higher elevations on the Hill Face and Ridgeline to lower, less visible and sensitive areas of the Hill Area where services can be efficiently and safely provided shall be required whenever feasible.

Policy LU 6.12: Structures may not be located on ridgelines or hilltops, or where they will project into the visual plane of a ridgeline or hilltop, as viewed from public roads, trails, or other public places, unless there is no other building site on the parcel or on a contiguous parcel in common ownership when this ordinance becomes effective or thereafter. Unless there is no other possible configuration, new parcels may not be created that have no building site other than a ridgeline or hilltop, or that would cause a building to project into the visual plane of a ridgeline or hilltop, as viewed from a public place.

Implementation 1: Development standards shall be prepared to implement this policy.

Policy LU 6.13: A study is being prepared by Union City for the Niles Hills subarea. Fremont will make its separate evaluation of the Niles Hills. Any development permitted shall be within the City of Fremont.

Policy LU 6.14: The Alameda Creek watershed that drains to the Sunol Valley should be protected from significant negative impacts.

Hill Planning Area Design and Development Policies

The following policies apply, except where noted, to the Hill Area as defined by the 2002 Hill Initiative.

- Base of the Hills
- Hill Face
- Niles Hills
- Vargas Plateau
- Mission Creek

Adopted by Initiative:

Policy LU 6.15: The City shall perform architectural review for any development in the Hill Area in order to insure consistency with the policies of the General Plan. In addition, all development on the Ridgeline and Hill Face shall be subject to discretionary review and must be approved by the Planning Commission, or by the City Council on appeal.

Policy LU 6.16: Consistent with the Hill Area Initiative of 2002, all development shall be designed to minimize disturbances of the natural terrain and vegetation and to minimize visual impact. The following restrictions shall apply to development in the Hill Area:

1. No building site, in whole or in part, may be located on a slope of thirty percent (30%) or more. No building may be located on a site that has access over a slope of thirty percent (30%) or more. No greenhouses, in whole or in part, may be located on a slope of fifteen percent (15%) or more. Cultivated agriculture may not be conducted on a slope of thirty percent (30%) or more.

2. Structures may not be located on ridgelines or hilltops, or where they will project into the visual plane of a ridgeline or hilltop, as viewed from public roads, trails, or other public places, unless there is no other building site on the parcel or on a contiguous parcel in common ownership when this ordinance becomes effective or thereafter.
3. New or reconfigured parcels, including those resulting from lot line adjustments, must be created or drawn to minimize visibility of development from public places.
4. To the extent practicable, structures shall be located, including by setbacks from parcel boundaries, on that part of a parcel or on contiguous parcels in common ownership that minimizes visibility from public places, except agricultural structures necessary for agricultural purposes may be located in more visible areas.
5. In all cases, appropriate landscaping, preservation of vegetation, screening, and building materials shall be required by the City to minimize the visual impact of development. Consistent with that end, alteration of topography by grading, excavating, filling or other development activity shall be minimized. Development shall be subordinate to and blend with the natural and open space qualities of the area where located, so as to be as unobtrusive as possible, and not to impair those qualities. To the maximum extent practicable, lighting must be located, designed and shielded so as to confine direct rays to the parcel where the lighting is located.
6. The height of buildings shall not exceed 35 feet.
7. All buildings on a parcel shall be placed within a contiguous “development envelope” not to exceed two acres, except for buildings that must be located outside the envelope for agricultural uses or security needs, or for government or public utility facilities that the City Council reasonably finds require a more extensive area.
8. The maximum aggregate floor area for all floors (regardless of composition) in buildings on a parcel may not exceed one percent (1%) of the parcel’s area, or 20,000 square feet, whichever is less, but for any parcel a minimum of 10,000 square feet shall be permitted. Greenhouses are subject to a maximum aggregate floor area of one percent (1%) or 40,000 square feet, whichever is less. Government facilities are not subject to the aggregate limit to the extent that the City Council finds reasonably that they are necessary to serve important public needs, that they cannot practicably be located outside the Hill Area, and that they must exceed the floor area maximum. The City Council may also authorize a larger area if needed for hous-

ing for agricultural workers, or for processing, packaging or storage of agricultural produce or plants, a substantial portion of which were grown in the Hill Area, or for other agricultural purpose.

Policy LU 6.16: Development shall utilize clustering, density transfers and other techniques to maximize open space, minimize environmental and visual impact and encourage development in the Hill Area outside the Hill Face and especially outside the portion of the Ridgeline visible from any point below the Toe of the Hill, within a one mile radius of the site. If feasible, clustering shall be required for residential and other permitted development on contiguous parcels in common ownership to the extent that clustering or partial clustering would reduce overall visibility of development from public places. Clustering, which also may be described as transfer of density or development rights, may be allowed for permitted development on any parcels if the effect is to reduce overall visibility from public places or, consistent with that, to reduce environmental harm. Required or permitted, clustering may be on a single parcel or on separate, adjacent parcels that do not exceed two acres.

Supplemental Policies (not adopted by initiative):

Policy LU 6.17: The following Hill Planning Area design and development policies shall also apply to the Mission Hills West area as identified on the separate Hill Planning Area map.

Policy LU 6.18: Consistent with the Hill Area Initiative of 2002, developments shall be designed to be compatible with their natural surroundings. Developments shall be designed to maximize retention of natural topographic features, such as drainage swales, slopes, rock outcroppings, vistas, landmark trees, natural foliage and plant formations, historical sites, riparian areas and areas of natural beauty. Development shall minimize disturbances of any natural watercourse or streams and wildlife breeding areas.

Policy LU 6.19: Natural drainage should be utilized whenever feasible, with minimum modification to a natural waterway. The impact on downstream drainage structures shall be considered.

Implementation 1: Projects with the potential to have a significant affect on waterways or streams shall determine the impact on downstream drainage structures and recommend mitigations.

Policy LU 6.20: Consistent with the Hill Area Initiative of 2002, hillside development shall conform to the natural grades and not scar the existing terrain and vegetation by excessive grading. Buildings should fit the land, not vice versa.

Policy LU 6.21: Development should minimize erosion and pollutant impacts from construction.

Implementation 1: All proposals for Hill Planning Area buildings shall include a sediment and erosion control plan.

Policy LU 6.22: A variety of building types shall be encouraged in the Hill Planning Area.

Policy LU 6.23: Consistent with the Hill Area Initiative of 2002, clustering of units, density transfers and other techniques shall be utilized to reduce the need for earth movement and enable steep hill slopes, wooded areas and areas of special scenic beauty or historic interest to be preserved. The potential to reduce impacts through density transfers shall be considered and used to the maximum extent feasible as early in the development review process as possible.

Policy LU 6.24: Hill area road standards shall reflect the need to minimize scarring, earth movement and the potential for erosion and ground failure, and respect the natural topography of the area.

Policy LU 6.25: Development in excess of 80 homes shall not be permitted in areas served by only one point of access unless public safety and local access needs can otherwise be met. An adequate emergency vehicle accessway shall constitute a point of access.

Policy LU 6.26: Equestrian and hiking trails shall, when feasible, be developed throughout the Hill Area.

Policy LU 6.29: The area outside of the City's eastern boundary extending to land owned by the San Francisco Water Department shall be considered part of the City's planning area. By identifying this area as part of the City's planning area, it is not the City's intent to imply the City's boundaries or sphere of influence will necessarily be expanded to include all or any part of this area. These areas are identified on the separate Hill Area Planning map and are called the Vargas Plateau East subarea, and the Sheridan Road subarea.

Implementation 1: Any efforts to incorporate the Vargas Plateau East or Sheridan Road subareas into another city's sphere of influence shall be actively opposed.

Implementation 2: Prior to annexing land, a planning study shall be undertaken to evaluate the advisability of incorporating this land into the City.

OVERLAY DESIGNATIONS AND STUDY AREAS

Overlay designations are applied to areas in the City with special constraints or conditions. These areas have an underlying land use designation which indicates a type of development and intensity of use allowed on a parcel. However, an overlay is placed on the land use designation which has special opportunities or requires special actions be taken prior to development or redevelopment of the site. Four designations have been established, each of which is discussed in turn below:

- Commercial/Industrial Overlay
- Historic Sites, Buildings and Districts Overlay
- Mineral Resources
- Gateway

The overall goal of the overlay designations is the following:

LAND USE (LU) GOAL 7:

DEVELOPMENT PLANS WHICH CONSIDER SPECIAL SITE CONSTRAINTS AND OPPORTUNITIES

Each of the overlay designations is discussed in turn below.

Commercial/Industrial Overlay

Goals in the Land Use and Local Economy chapters recognize the importance of expanding retail opportunities and building a strong municipal tax base. Providing a location for regionally-oriented, large-scale retail uses in industrial areas with convenient freeway access addresses those needs.

Policy LU 7.0: Commercial/Industrial Overlay: This designation applies to land designated Restricted Industrial and General Industrial. This designation recognizes that land with convenient freeway access presents a special opportunity for retailers with a regional customer base.

Implementation 1: Amend the Zoning Ordinance to allow large-scale, regional retail uses and shopping centers in the G-I and I-R districts where there is a Commercial/Industrial Overlay on the General Plan. Allowed retail uses include but are not limited to: hardware stores, general merchandise stores, apparel and accessory stores, home furnishings, and eating and drinking places, as well as associated movie theaters, and other amusement and recreation services.

Implementation 2: Amend General Plan land use diagrams to include a Commercial/Industrial Overlay as appropriate on land designated General Industrial or Restricted Industrial with convenient freeway access.

Historic Sites, Buildings and Districts Overlay

The Fundamental Goals recognize the importance of maintaining links with history and heritage of community. Historic and archaeological resources within a community enrich it by providing a distinct and unique identity. To preserve that link to Fremont's history, the following land use policies are established:

- Policy LU 7.1: In identified historic districts, an overlay designation is created incorporating existing historic buildings and adjacent areas deemed important to the character of the historic district.
- Policy LU 7.2: New non-residential construction within historic overlay districts, including modification of an historic building (except single family homes), is subject to review by the Historical Architectural Review Board (HARB) for consistency of the proposed architecture with the historic character of the area.
- Policy LU 7.3: The City shall identify and designate historic buildings and archaeological sites outside of the identified Historic Overlay district. It is the intent of the City to require, where feasible, the preservation or Primary Historic Resources, as identified in the General Plan. It is the policy of the City of Fremont to protect, enhance, perpetuate and use structures, sites and areas which are reminders of past eras, events, and persons important in local, State, or National history. Resources which provide significant examples of architectural styles of the past and are unique and irreplaceable assets to the community should be protected to provide for the present and future generations examples of physical surroundings in which past generations lived. The public health, safety and welfare of the community require the prevention of needless destruction and impairment, and promotion of the economic utilization of such structures, site and areas.
- Implementation 1: Designated historic and archaeological resources are identified on the General Plan Area Plan diagrams and are listed in the historic resources appendix to this General plan.
- Implementation 2: The Historical Architectural Review Board may recommend to designate additional archaeological sites or historic sites or buildings, although final designating action rests with the City Council. The Zoning Ordinance pertaining to Historic Resources should be revised to eliminate any automatic entitlement to demolish after a 90 day waiting period and establish the City Council as the approval agency for demolition applications for historic resources. The Historical Architectural Review board should be designated as the advisory board for demolition requests for historic resources.
- Policy LU 7.4: City initiated design or development plans for the four existing historic Community Commercial Centers (Centerville, Irvington, Niles and Mission San Jose) shall include historic resource preservation and enhancement as a key element of the plans.
- Implementation 1: Historic preservation and enhancement shall be included in the development of specific plans, design or development plans proposed for any historic Community Commercial Center.

Policy LU 7.5: The City shall seek to identify all historic and archaeological resources and maximize the potential for State and Federal funding for the conservation, restoration and enhancement of those resources.

Implementation 1: The heritage resources (listed in Appendix I) have previously been designated by General Plan action as historical resources. The designation of these historic resources is sustained with Plan adoption.

Implementation 2: An historic preservation plan shall be prepared for the City consistent with the Secretary of the Interior's "Standards for Historic Preservation". The plan shall include a comprehensive inventory of historic and archaeological resources.

Mineral Resources

The State has identified mineral resource areas in Fremont which it considers of regional importance. These areas are roughly identified in Figure 9-4 in the Natural Resources Chapter. This diagram should be used in combination with the Planning Area Land Use diagrams to determine location of these resources. Policies related to these resources are found in the Mineral Resources section of the Natural Resources Chapter.

Gateways

The Fundamental Goals establish the importance of maintaining or creating gateways to the City to help distinguish Fremont from its neighbors. Gateways in general are discussed in the Open Space Chapter. Natural gateways are discussed in the Visual Resources Chapter.

To enhance natural gateways and to create gateways on the major entrances to the City, existing and proposed gateways are indicated on the Land Use diagram.

Policy LU 7.6: A Gateway designation is established for major identified gateways into the City, as shown on the General Plan land use diagrams. For each gateway area, the City shall work with private developers to provide a gateway feature or to enhance the character of a natural gateway through landscaping, building and site design.

Study Areas

In preparing this General Plan, several sites were identified where conversion to an alternative use may be appropriate. However, more analysis is required prior to making a final determination on a modification in land use. These areas are identified on Planning Area diagrams as "Study Areas." Two of the Study Areas are the subject of a specific plan process: much of the Centerville Community Commercial Center area and the Warm Springs BART Station area. A study for possible modification of land use in the Fremont Shores area west of I-880 is proposed.

Two different policies are adopted, depending on the character of the recommended change. For smaller study areas, a tentative land use (e.g., commercial, residential or industrial) is shown on the Planning Area Diagram identifying the land use direction desired by the City for the site. Also identified are more specific land use alternatives which are to be considered during a study process.

A second policy is adopted for larger study areas (Warm Springs, Centerville, Northern Plain and Fremont Shores) where the land use direction is dependent on the outcome of specific studies and deliberation by the Planning Commission and Council. For these areas, the previously existing land use designation is maintained until the Study is completed. None of these study areas shall include the Hill Area as defined by the Hill Area Initiative of 2002.

Policy LU 7.7: A Study Area designation signals the City's intent to apply a land use designation, but where additional analysis is required prior to allowing development on the site. The land use designation shown on the City's Planning Area Land Use Diagram is therefore tentative. Table 3-8 indicates the types of specific land uses potentially appropriate for the site, depending on the outcome of necessary studies. The types of studies will vary from site to site, but can include analysis of potential traffic impacts, impacts of proposed use on adjacent property owners, and site-specific constraints (such as past use of toxic materials) which may influence future uses of the site. Studies can be initiated by the City, property owner or developer.

Policy LU 7.8: The Warm Springs BART Specific Plan Study Area, the Fremont Shores Study Area, and the Centerville Specific Plan Study Area are also identified as "Study Areas." For these areas, all proposed uses shall be reviewed for their potential to further or hinder the achievement of the goals of the study process. Uses which have no potential for significant conflict with any potential recommended land use recommendations of the study will be allowed under existing land use regulations until such time as the proposed study or specific plan is completed and new land use designations are adopted.

Policy LU 7.9: A study designation on a feature shown on the Planning Area Land Use Diagrams indicates an intent to evaluate alternatives to that feature. The following features are identified:

Industrial Planning Area

- Connection of Stevenson Boulevard Extension/Cushing Road with Fremont Boulevard

Table 3-8 General Plan Study Areas			
SMALLER STUDY AREAS (BY PLANNING AREA)	General Plan Designation*	Tentative	Study Alterna- tives
IRVINGTON			
2. Stevenson Bl. & Blacow Rd. (south- east corner)	Residential	Commercial	Thoroughfare or Neighborhood Commercial
3. Grimmer Bl. & Yellowstone Park Dr. (northeast corner)	Residential	Commercial	Thoroughfare Commercial
MISSION SAN JOSE			
4. Mission Bl. & Driscoll Rd. (southwest corner)	Residential	Commercial or Residential	Office Commercial
NILES			
5. Mission Bl. & King Av. (northwest corner)	Industrial	Commercial	Neighborhood Commercial or Light Industrial
NORTHERN PLAIN			
6. Fremont Bl. & Decoto Rd.	Residential	Residential w/ increased density	Residential or Com- mercial
WARM SPRINGS			
7. End of Starlite Wy.	Residential 4-6	Residential lower density	Residential lower density
LARGER STUDY AREAS (BY PLANNING AREA)	General Plan Designation		
CENTERVILLE			
8. Centerville Specific Plan Study Area	Commercial, Residential, Industrial		
INDUSTRIAL			
9. Warm Springs BART Specific Plan Area	Industrial		
10. Fremont Shores Study Area	Industrial		
NORTHERN PLAIN			
12. Open Space-Urban Reserve (area between Paseo Padre Pkwy. & Alameda Creek and PG&E right- of-way in the west & Southern Pacific Railroad in east)	Open Space/Private Open Space***		
* This General Plan maintains the land use designation in previous 1969-1989 General Plan			
** Other features of the study are certain roadway alignments. See land use and transportation diagrams for the locations of those study items.			
*** Land uses to be studied include: industrial, residential, open space, private open space, institu- tional open space, and agriculture.			

DAYCARE (PRIVATE SECTOR, NON-MUNICIPAL)

The labor participation rates show a growing number of dual working parents and single parents. This indicates a need for care and supervision of children outside the home and outside regular school hours.

Census figures and projections indicate a growing number of elderly people. There are also developmentally disabled persons within Fremont. Both groups may need day care. Frail elderly people as well as the developmentally disabled persons are more often being cared for in the home. Care providers need alternatives outside the home to provide the care either on a regular or intermittent day time basis.

LAND USE (LU) GOAL 8:

PROVISION AND ENHANCEMENT OF DAY CARE SERVICES THROUGH A PARTNERSHIP OF ALL SECTORS OF THE COMMUNITY

Policy LU 8.1: To accommodate day care needs of children, frail elderly and developmentally disabled adults, services shall be allowed in any commercial, industrial or residentially designated area, subject to conditions regarding size of facility, access, parking and the availability of outdoor space.

Policy LU 8.2: Care facilities should be located to minimize exposure to noise, localized air pollution sources and other environmental hazards.

LAND SUBDIVISION

The City has the authority to regulate and control the design and improvement of subdivided land. Undevelopable parcels, whether created in the distant past or more recently as a result of freeway development, public works projects, or other development can create a neighborhood nuisance related to lack of maintenance and surveillance. Elimination of these "problem parcels" is consistent with General Plan goals related to conservation and enhancement of neighborhoods and high quality commercial areas and industrial development.

LAND USE (LU) GOAL 9:

AVOIDANCE OF CREATION OF PARCELS NOT PRACTICABLY DEVELOPABLE AND ELIMINATION OF SUCH PARCELS WHERE THEY ALREADY EXIST.

Policy LU 9.1: The City shall not allow the creation of problem parcels. Where such parcels already exist, the City should, when lawful and feasible, require or encourage their merger with adjacent parcel(s) whether or not held by the same owner. A problem parcel is any parcel whose existence is not necessary to achieve an important public purpose and whose merger with an adjacent parcel could be compelled under State law or State law in conjunction with this General Plan, or any parcel which, irrespective of any minimum area or dimension requirement set forth in the Zoning Ordinance, is not practicably developable because of its unusual dimensions, shape, location relative to other parcels, or because of other land use constraints such as, but not limited to, high voltage electrical transmission line easements. In any case where the City Council has previously given specific direction about the disposition of a problem parcel, this policy shall not require the merger of parcels held in common ownership.

Implementation 1: Where a parcel exists adjacent to another parcel in common ownership, the City shall, when lawful and feasible, compel merger of the parcels pursuant to State law or State law in conjunction with this General Plan.

Implementation 2: Where a problem exists adjacent to a parcel under separate ownership, and where any discretionary land use approval, which may include subdivision approval, is sought by the applicant/owner of the non-problem parcel, the City should, when lawful and feasible, require or encourage the acquisition of the problem parcel by the applicant/owner and merger of the two parcels as a condition of land use approval.

